

# **Exploring the opportunities and challenges for restorative justice in the South African just energy transition**

*How to improve energy transition policies and the policy-making process for the just energy transition*

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A handwritten signature in black ink, appearing to read 'Vowles.', is centered within a light gray rectangular box.

Catherine VOWLES

## CENTRAL EUROPEAN UNIVERSITY

### ABSTRACT OF THESIS submitted by:

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South Africa faces a substantial challenge: it is a country heavily dependent on fossil fuels for energy but must undertake an energy transition to renewables to meet its climate targets, to keep pace with a changing international market, and to ensure that development within South Africa is sustainable. According to the Just Transition Framework, created to oversee the transition to a climate-resilient and low-emissions economy, transitions in South Africa need to be guided by three tenets of justice: procedural, distributive, and restorative justice. While procedural and distributive justice have made regular appearances in energy transitions and energy justice literature, restorative justice has been largely underexplored. Furthermore, the existing energy transitions literature argues for the importance of further exploration of restorative justice as a proactive policy approach, which could result in truly transformative transitions if used to guide decision making throughout every step of the transition. This study is therefore an exploration of the opportunities and challenges for restorative justice in the South African just energy transition to inform how energy transition policies and the policy-making process might be improved to achieve the opportunities, overcome the challenges, and ultimately facilitate a restorative energy transition. The findings suggest the same set of solutions could apply for both achieving the opportunities and overcoming the challenges for restorative justice. The study ultimately proposes a list of 16 interconnected recommendations that can be used to guide decision-makers and policy-makers in the South African just energy transition, to encourage restorative outcomes.

**Keywords:** energy, just transition, restorative justice, policy, decision-making

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# Chapter 1 – Introduction, Background and Aim

## 1.1 Introduction

The Just Transition Framework defines Restorative Justice as follows:

*Historical damages against individuals, communities, and the environment must be addressed, with a particular focus on rectifying or ameliorating the situations of harmed or disenfranchised communities. It is about redress: healing people and the land, which was an immediate need echoed by all communities that the PCC has consulted with.*

- The Presidential Climate Commission (2022)

South Africa is dependent upon coal for over 80% of its energy production. To meet climate targets under the Paris Agreement and the 2030 Agenda, this dependency needs to be reduced through an energy transition. In May 2022, the Presidential Climate Commission (PCC), created to oversee the transition to a climate-resilient and low-emissions economy, officially adopted the Just Transition Framework to “[manage] the social and economic consequences of [climate] policies, while putting human development concerns at the centre of decision-making” (The Presidential Climate Commission 2022). The Just Transition Framework identifies three tenets of justice for a just transition, namely: procedural, distributive, and restorative justice (The Presidential Climate Commission 2022). While procedural and distributive justice have made regular appearances in just transition and energy justice literature to date, the addition of restorative justice to energy justice frameworks has been a more recent addition (Hazrati and Heffron 2021).

The aim of this thesis is to explore the opportunities and challenges for restorative justice in the South African just energy transition through a qualitative approach, including a literature review and interviews with professional South African participants, to identify how to improve energy transition policies and the policy making process for the just energy transition. The research will be conducted through the lens of energy justice theory. This research is highly relevant in the global context of the climate crisis and with the growing knowledge that it will take a united effort, from both developed and developing world alike, regardless of historical responsibility and present socioeconomic context, to mitigate this crisis. The research will add

to the existing conceptual scholarship on just energy transitions, as well as be to the benefit of policymakers, both in South Africa and globally.

## **1.2 Background and Significance**

### **1.2.1 Context and the Just Energy Transition Investment Plan**

The past century has seen a rapid increase in global energy consumption, with growing demand for energy sources, including coal, natural gas, nuclear energy, oil, and renewable energy (Newell et al. 2020). Consequently, the rise in fossil fuel consumption has contributed significantly to climate change and exacerbated environmental catastrophes, leading to a global call for a clean energy transition (Newell et al. 2020). South Africans have experienced loss of lives and livelihood destruction due to a changing climate and worsening droughts, fires, and floods (The Presidency 2022). Countries on the African continent are also projected to experience global warming effects at twice the rate of the effects predicted globally (The Presidency 2022). Furthermore, South Africa is one of the highest emitting developing countries, contributing 40% of Africa's total emissions (The Presidency 2022). As a result, South Africa has acknowledged the need for global action to mitigate climate change, despite historical responsibility for greenhouse gas emissions (The Presidency 2022).

The findings of a study by Newell et al. (2020) show rapid decreases in global coal consumption, particularly in the West, by 2040. This global decarbonisation process, and specifically the move away from coal, is assisted by renewable energy becoming cheaper to implement and to run in many parts of the world (Marais et al. 2022). Solar Photovoltaic (PV), for example, has emerged as the least expensive source for electricity production (Bogdanov et al. 2021). In South Africa, a country with abundant solar and wind reserves, wind and solar PV are now more competitive sources of energy than coal power (The Presidency 2022). Furthermore, both local demand in South Africa and demand for exported coal are on the decline as countries look for cleaner sources for energy and renewables gain competitiveness over coal (Marais et al. 2022).

An energy transition is required for South Africa to achieve its Nationally Determined Contribution (NDC) of 420 - 350 megatonnes of CO<sub>2</sub> equivalent (MtCO<sub>2</sub>-eq) by 2030, which is consistent with a fair contribution of between 1.5 and 2-degree Celsius temperature goal established under the Paris Agreement, and to take advantage of the economic opportunities

arising from the global green energy transition, instead of remaining a fossil fuel-based economy (The Presidency 2022). South Africa subsequently released its ‘Just Energy Transition Investment Plan (JET IP) for the initial period 2023 – 2027’ (The Presidency 2022). The JET IP outlines how SA plans to tackle climate change while simultaneously supporting economic growth. The JET IP identifies three systemic challenges to be confronted (poverty, inequality, and unemployment) and three factors to be driven by the transition (industrial development, innovation, and economic diversification) (The Presidency 2022). The plan highlights three sectors as the primary focus for the just energy transition: the electricity sector; the New Energy Vehicle (NEV) sector; and the Green Hydrogen Sector.

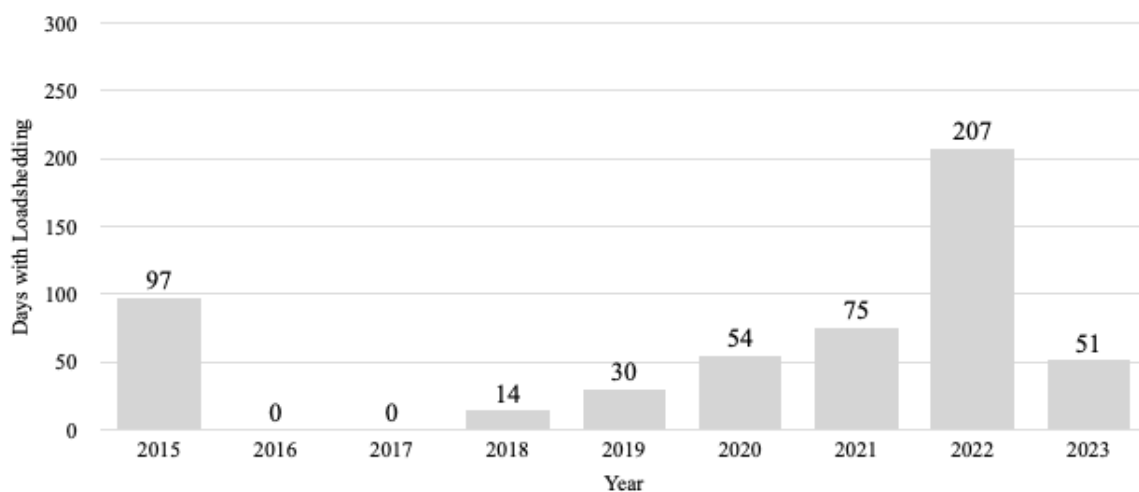
The electricity sector has been identified as the most important focus area for the energy transition, with emissions from the electricity sector comprising 45% of South Africa’s total greenhouse gas emissions for 2017 (The Presidency 2022). These emissions are produced largely by 16 coal-fired power plants, 14 of which are due for retirement over the next three decades (The Presidency 2022). South Africa plans to close five power plants in the lead up to 2030, another two by the end of 2030, and have only three power plants still in operation by the end of 2050 (The Presidency 2022). The JET IP envisions a large scale-up of renewable energy transmission paired with an expansion of the transmission grid and implementation of energy efficiency programs, the success of which will determine the rate at which the electricity sector can be decarbonised (The Presidency 2022).

This decarbonisation strategy is required for South Africa to participate in the competitive opportunities emerging through the global green economy: electrification of fossil-fuel intensive sectors, such as the transport sector; vehicle manufacturing; green hydrogen production; green iron and steel production; and the exploitation of South Africa’s mineral reserves (The Presidency 2022). The plans of the JET IP require a full restructuring of the electricity supply sector, including distributing renewable energy installations and the associated infrastructure and equipment that they will require throughout the country. It is argued that this shift will aid sustainable development and job creation throughout the country, as opposed to continued coal production and generation, focused almost exclusively in one province in South Africa (Mpumalanga) (The Presidency 2022). Furthermore, The Presidency (2022) argues that decarbonising the electricity sector will alleviate South Africa’s current energy supply crisis.

## 1.2.2 Eskom and South Africa's Energy Supply Crisis

Eskom is South Africa's state electricity supplier comprised of the generation, transmission, and distribution of electricity (Bowman 2020). Eskom's multitude of crises have been of financial, operational, and political nature (Bowman 2020). Financially, Eskom's soaring costs have resulted in tariff hikes, increasing electricity prices by 753% in the period between 2007 and 2021 (Maguire 2022). This, according to Maguire (2022), is "more than 5 and a half times faster than inflation". Eskom has required multiple bailouts from the state to prevent bankruptcy (Bowman 2020). According to Winkler et al. (2021), Eskom is in a major financial and operational crisis, with a current debt of €25 billion. Operationally, South Africa has experienced rolling blackouts or power outages, known as 'load shedding' on and off since 2008 (Bowman 2020). Figure 1 shows the number of days per year with loadshedding since 2015, painting a picture of a worsening situation.

*Figure 1 Number of days per year with loadshedding since 2015*



Source: <https://theoutlier.co.za/loadshedding-tracker> in Swilling (2023)

Loadshedding in South Africa has had a severe impact on the economy, with many estimating that the true cost of loadshedding to the country in 2022 was between R400-billion and R600-billion, but that the overall cost for the last 14 years exceeds R3-trillion (Mills 2023). However, according to Mills (2023), these estimates don't factor in very many of the factors that ought to be factored in, such as: businesses that have gone broke; jobs lost; livelihoods destroyed; families made destitute; futures made more bleak; the effects of chronic policy failures to investor confidence; loss of citizen trust; growing sense of despair. The cost of these factors is more difficult to estimate, particularly as their costs may persist into the future (Mills 2023).

In addition to Eskom's financial and operational issues, the company has faced significant political conflicts over control of the board, energy policies, and procurement spending abnormalities (Bowman 2020). As an example of the general incoherence, the minister of mineral resources and energy, Gwede Mantashe, has been calling for more investment into fossil fuels and gas over renewable energies (Nyathi 2023), and the minister of electricity, Kgosientsho Ramokgopa, in a conference in early April 2023, stated his preference to extend the life of South Africa's aging fleet of coal-fired power stations (Swilling 2023). Both stand in direct opposition to multiple South African energy policies, as well as to the president of South Africa, Cyril Ramaphosa, who is negotiating loans from other countries at the international stage for an energy transition to renewable energies (Swilling 2023).

All of these issues have resulted in a severely destabilised utility that has seen the coming and going of 12 chief executives since 2007 (Bowman 2020). The former CEO of Eskom, Andre de Ruyter, survived a murder attempt by cyanide-laced cup of coffee, the day after he submitted his resignation as CEO of Eskom in December 2022 (Yelland 2023). He has since acted as a whistleblower, describing vividly the Kafkaesque qualities of corruption, crime, and sabotage surrounding Eskom (ETV, 2023). De Ruyter, in his accusations, spoke of the theft and corruption at Eskom, which was resulting in the loss of roughly R1-billion a month; the deep involvement of at least one senior member of the African National Congress (ANC), the ruling party of South Africa; as well as the four organised crime cartels operating in Mpumalanga, with deep connections to both Eskom and to several politicians (Cohen 2023).

De Ruyter has also spoken out about the hesitation toward and stalling of the energy transition. De Ruyter stated that the energy crisis could be solved quite quickly with wind and solar, which would be an improvement for the economy, an improvement for the environment, not to mention there would be a significant decrease in deaths from the current 29,000 people dying prematurely each year from air pollution (ETV, 2023). Furthermore, he said that there is a high chance that a carbon border tax would put roughly half of South Africa's imports at risk, making it even more wise for South Africa to transition (ETV, 2023). He expressed concern, however, that the funding meant for the transition may be misused or stolen, as can be seen from the following excerpt from Nicolson (2023):

*De Ruyter said he told a minister, who he did not name, he was concerned about attempts to “water down” governance of the \$8.5-billion deal reached at*

*COP26 to fund the country's just transition to cleaner and renewable energy sources.*

*De Ruyter said the Cabinet member told him to be practical and that "in order to pursue the greater good, you have to let some people eat a little bit".*

### 1.2.3 Significance

South Africa is one of the most unequal countries in the world, with an unemployment rate of 30%, youth unemployment at 65%, 86% of the country's wealth in the hands of the wealthiest 10%, and more than 55% of the population living in poverty (The Presidency 2022). The JET IP sees the energy transition as an opportunity to drive innovation, industrial development, and economic diversification by embracing the shift to green technologies, which will lead South Africa into an economically resilient and sustainable future, with "no trade-off between tackling climate change and supporting economic growth" (The Presidency 2022). The premise for the JET IP comes from SA's National Development Plan (NDP) 2030, the dual aim of which is to eliminate poverty and reduce inequality by 2030 (National Planning Commission 2012). Yet, with just eight years until 2030, and 29 years since South Africa transitioned from apartheid to democracy, more than half of the population lives in poverty and South Africa remains one of the most unequal countries in the world. According to The Presidency (2022; pp.26), "A just energy transition in South Africa builds resilient economies and people to meet the NDC targets."

The line of questioning that first inspired this research, therefore, is as follows: How could a just energy transition assist in meeting the goal of eliminating poverty and reducing inequality in South Africa? What opportunities exist for justice to be achieved? What challenges lie in the way of justice – procedural, distributive, and restorative? What role might restorative justice play? How can policies be improved or better focused so that the just energy transition can have restorative outcomes?

The concept of restorative justice has been a common underpinning for work surrounding several political, social, and economic issues in post-apartheid South Africa, particularly the Truth and Reconciliation Commission proceedings, a brief history of which can be found in section 2.2.3. The concept first emerged in criminal justice studies where it focused on the needs of the victims, placing an obligation on the perpetrator of harm to restore the victim to



their original state (Hazrati and Heffron 2021). The Just Transitions Framework takes this a step further, including not just present or future harm, but historical harm and damages, declaring the need for just transitions to be processes of remediation and healing (restoration). What this means practically and in the context of the just energy transition is another story and, therefore, the aim of this paper is to explore the opportunities and challenges for restorative justice in the South African just energy transition to determine how the energy transition policies and the policy-making process for can be improved to have restorative outcomes.

### **1.3 Aim, Objectives, and Research Questions**

The aim of the thesis is to explore the opportunities and challenges for restorative justice in the South African just energy transition, to contribute to the growing scholarship on restorative justice in energy transitions, particularly in South Africa, and to identify how energy transition policies and the policy-making process might be improved to achieve the opportunities and overcome the challenges, ultimately to facilitate a restorative energy transition in South Africa. To achieve this aim, four objectives have been identified for this project:

1. To explore how restorative justice is understood and the perceived role it might play in the South African energy transition.
2. To identify the opportunities and challenges for restorative justice in the South African just energy transition.
3. To identify practical policy solutions for achieving the opportunities and avoiding the challenges to restorative justice in the South African just energy transition.
4. To put forward suggestions for how the South African government or South African policy makers might proceed with the just energy transition.

The study aims to answer the following three research questions:

1. What are the greatest perceived opportunities and challenges for restorative justice in the just energy transition?
2. Where and how can policy interventions help facilitate a restorative just energy transition in South Africa?
3. What does the South African government need to be focusing on or improving on to effectively lead South Africa through the just energy transition?

# Chapter 2 – Literature Review & Theoretical Framework

## 2.1 Review of the Literature

In the context of global decarbonisation, existing research has highlighted the importance of including concerns of justice and equity in energy transitions research. Healy and Barry (2017), for example, argue that energy policy decisions have (in)justice impacts throughout all stages of the energy lifecycle and corresponding policy, and argue for greater scrutiny and attention into two key areas as a means of enacting justice in energy transitions: first, the power dynamics and political aspects of socio-technical energy transitions; and second, the distributional impacts on labour and the role of labour in energy transitions. Defining a just energy transition is, however, no small task, as there is no universally accepted definition of a just energy transition. Definitions can vary between different actors or communities in society, so any definition should be inclusive of what different communities and movements see as essential to the transition (Osborne 2022).

According to Hägele et al. (2022), the overall aim of a just energy transition is to achieve two agendas at once: climate goals under the Paris Agreement and the 2030 Agenda; and the sustainable development goals. Realising both agendas requires coordination of multiple policies across several interdependent sectors by a variety of actors, and different routes to a just energy transition can be employed in different countries based on their unique political, economic and social contexts (Hägele, Iacobuță, and Tops 2022). According to Müller and Claar (2021), a just energy transition combines energy justice, “the availability, accessibility, and affordability of clean energy” (pp.336) and just transition, which holds job safeguarding and equal distribution of costs and benefits at its core. The JET IP’s working definition of a just energy transition is as follows:

*“A just energy transition in South Africa builds resilient economies and people to meet the NDC targets. It does so by (i) accelerating affordable, decentralised, diversely owned renewable energy systems; (ii) restoring previous and future ecosystems and natural resources impacted by coal mining and energy production; (iii) reskilling present workforces and educating future ones in green and other new and viable development pathways; (iv) building new*

*productive models for comprehensive economic transitions; and (v) supporting various impacted constituencies to play an active role in decisions and implementation of energy transition programs (be it government or non-government actors).” (The Presidency, 2022; pp.26)*

Recent research has suggested that developments in renewable energy often lead to a decentralisation of power and resultant positive social equity outcomes (Hoffman et al. 2021). A study by Ram et al. (2020) concluded that there are opportunities for the creation of more jobs with renewable energy generation than with conventional energy generation, which would also lead to positive social equity outcomes. On the contrary, according to Hoffman et al, (2021), the social equity outcomes of transitions to renewable energy infrastructure are more often negative than positive, as renewable megaprojects are generally privately owned and financially motivated, leaving few opportunities for public participation or local engagement. In scenarios like this, both economic and socio-political power is seen to become more centralised, rather than decentralised, and the emergence of just or equitable outcomes depends on whether or not that is a priority for those leading the transition (Hoffman et al. 2021). In South Africa, criticisms of a lack of inclusivity have already surfaced, as the initial financing deals for just transition took place between powerful actors and “behind doors barred to the public” (Zulu, 2022; pp. 7).

According to Hägele et al. (2022), while SA is in the early stages of implementing a just energy transition, it has made notable progress in reducing its reliance on coal while simultaneously taking steps to eliminate poverty, unemployment, and inequality. This a highly debatable position. According to Zulu (2022), the solar and wind power that was installed between 2013 and 2019 accounts for a mere 3-4 percent of South Africa’s electricity generation. Furthermore, as mentioned in the previous section, with only eight years left until 2030, poverty, unemployment, and inequality are still undeniably present in South Africa. Moreover, apprehensions have been raised by some researchers and practitioners who argue that the complexities of the costs and benefits of an energy transition have been underestimated (Marais et al. 2022). In a study by Mukanjari et al. (2022), it was stated that the energy transition in South Africa will give rise to both winners and losers. Zulu (2022) argues that just transitions have “unveiled a new horizon for profit seeking in the renewable energy industry” (pp. 6) and that the structural reforms, such as increased competition, seen by the World Bank to be

necessary to facilitate a just transition, will “cultivate a landscape of hardship and suffering for the South African people” (pp. 7), particularly if led by the private sector and political elites.

At COP26 in 2021, the International Just Energy Transition Partnership (JETP) with South Africa was unveiled, under which the EU, the US, the UK, France, and Germany committed to supporting a just energy transition in SA. According to Sweeney (2022), who works for Trade Union for Energy Democracy, an initial \$8.5 billion worth of grants, loans, and investments will be mobilised by the JETP for the first phase of South Africa’s transition. This funding will be used to facilitate the ‘unbundling’ of Eskom, leading to the “structural separation of generation, transmission, and distribution” (pp. 9) and the liberalisation and privatisation of energy in South Africa (Sweeney 2022). Sweeney (2022) argues that the JETP is “not a ‘partnership’- it’s a ‘green structural adjustment’ policy” (pp. 8) with the goals of deregulating energy markets and privatising power systems, relying on South Africa to incur more debt for a global public good, while shouldering the entire burden of the social costs. According to Sweeney (2022), “any policy that requires South Africa to incur more debt and fire workers is not “just” (pp. 9). Zulu (2022) agrees, arguing that the current vision and financing plan for the just energy transition requires the surrender of sovereignty, which will ultimately lead to an unjust transition. For this reason, many environmental activists, grassroots movements, labour organisations, and civil society have opposed any transition led by the private sector and political elites (Zulu 2022).

There is some difference of opinion as to what a just energy transition should look like in South Africa, as well as some doubt as to whether the just energy transition in South Africa will achieve the justice, will contribute to reducing poverty, unemployment, and inequality, and will have restorative outcomes. The Just Transition Framework outlines a pathway for restorative justice in transitions, which includes: (1) supporting the right to a healthy environment and acknowledging the impacts on health and the environment in coal and fossil fuel affected communities; (2) shifting away from fossil fuel intensive sectors to improve ecosystems, energy security, environmental condition, and employment opportunities, and eliminate energy poverty; (3) decentralising the energy economy to allow for inclusion, participation, diversity, and ownership; and (4) remedying past harms through the redistribution of land, Broad-based Black Economic Empowerment, and equitable access to environmental resources (The Presidential Climate Commission 2022).

Research into restorative justice in energy justice and energy transitions is limited and seems to have grown in popularity in energy scholarship from 2017. Most of the dominant scholarship on the topic has been carried out in Western academia and all studies referred to in this review identify the need for more research into restorative justice in the context of energy. One of the first examples of restorative justice in energy scholarship is from Heffron and McCauley (2017) who argue for the inclusion of restorative justice to the dominant three tenets of energy justice (distributional, procedural, and recognition-based justice) and as a practical addition to decision-making, policy-making, and into law. In their research into the impact of restorative justice as an addition to energy justice research (from a largely legal standpoint), Hazrati and Heffron (2021) support the potential of restorative justice as a proactive policy approach in mitigating harm, if applied at the start of a project. Furthermore, Heffron (2022) notes that restorative justice has been on the rise within legal cases centered on the human rights to environment and health, highlighting the need for restorative justice to have a larger focus in energy transitions, where affected individuals and communities need to be restored. Lacey-Barnacle (2020) also argues for the inclusion of restorative justice as the fourth energy justice tenet as a much-needed process of remediation in the case of a perceived energy injustice. While all argue for the inclusion of restorative justice as a tenet of energy justice and further research into restorative justice in the context of energy, the scholarship on this topic has been sparse and little could be found for the South African context. Yet, despite this lack of research, the Just Transition Framework for South Africa includes restorative justice as a core tenet for just transitions.

This points to a significant gap in the literature for research into the opportunities and challenges for restorative justice in the South African just energy transition and how these can practically be addressed, instead of just theoretically studied. The guiding assumption behind this research is that a focus on restorative justice in the energy transition could result in an energy transition in which the well-being of all is prioritised over the power and benefit of a few. The study will contribute to the growing discourse on restorative justice in energy transitions, as well as be of use to practitioners and policymakers (especially in South Africa) who are seeking input for decision-making.

## 2.2 Theoretical Framework

In exploring this understudied topic, the opportunities and challenges for restorative justice in the South African just energy transition will be analysed and discussed through the lens of energy justice theory. Restorative justice has been used sparsely in energy justice literature and is a more recent and infrequently used addition to the existing tenets of justice for energy justice and energy transitions. This section explores the tenets of energy justice, where restorative justice fits in, and attempts to provide a definition for restorative justice, while also briefly providing the history and context of restorative justice in South Africa.

### 2.2.1 The Tenets of Justice

The concept of energy justice has been explored widely and has largely been considered to have three core tenets: distributional justice, recognition justice, and procedural justice (Heffron and McCauley 2017). While many definitions exist for each of the tenets of justice, the following definitions have been adapted from Hägele et al. (2022) and Lacey-Barnacle (2020):

*Distributional Justice* – assesses where injustices occur and calls for the even distribution of energy system burdens and benefits on all of society.

*Recognition Justice* – identifies which individuals or communities are being misrepresented, marginalised, or disadvantaged in relation to energy systems. Recognition justice aims to recognise the rights of all stakeholders, but particularly indigenous communities.

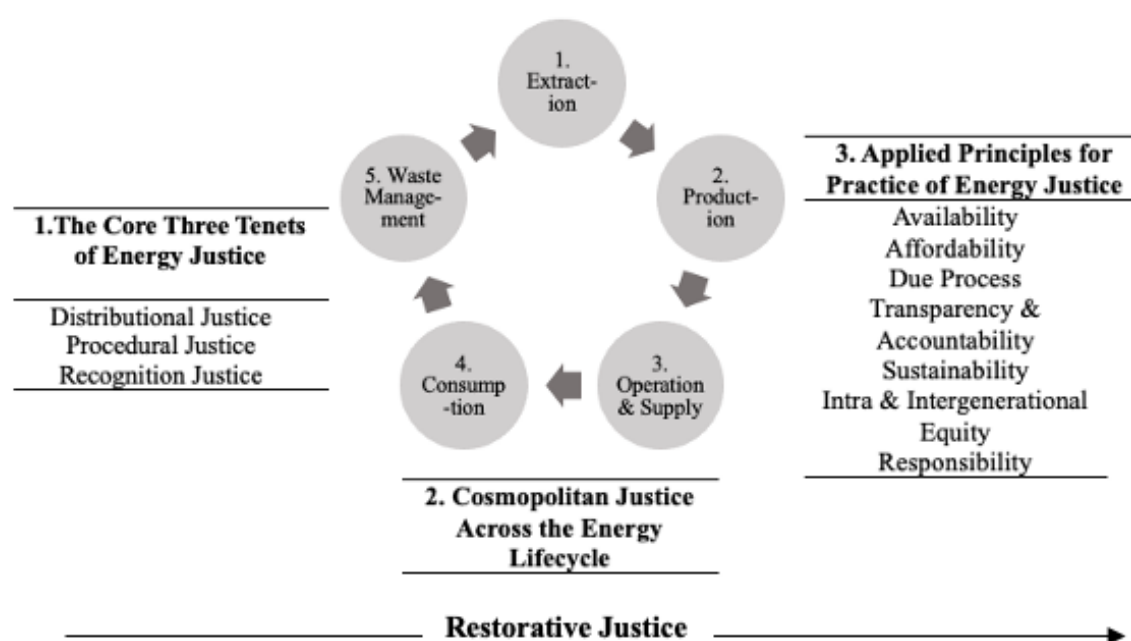
*Procedural Justice* – assesses the fairness of participation in decision-making procedures, the degree to which different knowledges are utilized and included in the procedures. A further definition provided by Heffron (2022) includes a focus on legal processes and assesses whether or not justice has been accessible.

More recently, two further tenets have been explored in energy justice scholarship: cosmopolitanism justice and restorative justice. The following definitions of these two tenets have been adapted from Heffron (2022):

*Cosmopolitanism Justice* – includes a cross-border perspective and acknowledges that energy activities may result in previously unconsidered injustices.

*Restorative Justice* – simply states that any injustices resulting from activities in the energy sector need to be rectified. Lacey-Barnacle (2020) adds a perspective of restorative justice as a remediation process. Furthermore, Heffron and McCauley (2017) view restorative justice as an active process of repairing harm done to individuals, society, or nature, and restoring them to their original state. Hazrati and Heffron (2021) also include a definition of restorative justice as a proactive approach with the potential for restorative justice to ensure the implementation and enforcement of justice. Figure 1.3, adapted from Heffron and McCauley (2017), depicts how the tenets of justice should be incorporated into the decision-making processes to apply energy justice.

Figure 2 The three phases of decision making for applying energy justice.



Source: Adapted from Heffron and McCauley (2017)

## 2.2.2 Defining Restorative Justice

As previously stated, the concept of restorative justice first emerged in criminal justice studies where it focused on the needs of the victims, placing an obligation on the perpetrator of harm to restore the victim to their original state (Hazrati and Heffron 2021). The South African Just Transitions Framework takes this definition a step further, including not just present or future harm, but historical harm and damages, declaring the need for just transitions to be a process of remediation and healing, to restore not just to an original state, but to a state of equity for all. By way of a definition, this study makes use of the definition of restorative justice used in

the South African Just Transitions Framework, as this working definition is the most applicable to the case of the South African Just Energy Transition and is referenced in the JET IP.

The Just Transition Framework defines Restorative Justice as follows:

*Historical damages against individuals, communities, and the environment must be addressed, with a particular focus on rectifying or ameliorating the situations of harmed or disenfranchised communities. It is about redress: healing people and the land, which was an immediate need echoed by all communities that the PCC has consulted with.*

- The Presidential Climate Commission (2022)

The Just Transition Framework furthermore lists the ways in which restorative justice can be embodied in a just transition. They are as follows (adapted from The Presidential Climate Commission, 2022):

- Supporting the South African constitutional right to a healthy environment by first acknowledging the harms to health and the environment in areas impacted by coal and other fossil fuels.
- Shifting from fossil fuel and resource intensive sectors to: (1) improve the environment through community ownership; (2) eradicate energy poverty and improve energy security; and (3) rehabilitate the environment.
- Fostering a decentralised, net-zero emissions economy, which will encourage more economic inclusion and participation, particularly for youth and women.
- Remediating past harms by encouraging and expanding existing mechanisms, such as land redistribution, equitable access to environmental resources, and Broad-based Black Economic Empowerment (BBBEE).

### 2.2.3 Restorative Justice in this Study

If Heffron and McCauley's (2017) 'three phases for decision-making' is combined with how the Just Transition Framework believes that restorative justice can be embodied in the just energy transition, what emerges is an idea of restorative justice as something practical, something to be 'injected' into the transition proceedings, throughout decision-making processes, and spanning a multitude of scopes of injustices to be rectified. While the Just



Transition Framework gives a brief overview of how restorative justice can be embodied in the transition, it is still quite vague. This study therefore takes this a step further, asking experts and professionals to share their perspectives on how restorative justice could be embodied in the just energy transition throughout all decision-making processes, the result of which will be a practical and feasible list of solutions or recommendations for just transition policies or how policies might be improved to encourage restoration and achieve restorative justice in the South African just energy transition.

## 2.2.4 A Brief History of Restorative Justice in South Africa

South Africa is no stranger to the concept of restorative justice in transition, which is why it may not be so surprising that it has been selected as a tenet of justice for the just energy transition, but does leave many with concern over how it might be implemented this time around. After Apartheid, it was agreed by the parties negotiating the transition to democracy, that for South Africa to confidently proceed into the future, the injustices and violence of the Apartheid regime had to be acknowledged (Maepa 2005). As a result, two years after the new South African government was formed in 1994, the Truth and Reconciliation Commission (TRC) was formed, which has widely considered to have taken an approach of restorative justice (Maepa 2005). The TRC was established to investigate apartheid conflict and violence between 1960 and 1994, and had the following goals: to identify and locate victims and the extent of harm they suffered; to provide victims with emotional, psychological, material, and financial support as means of reparation and rehabilitation; to allow for the perpetrators of crimes or offences to apply for amnesty for acts committed in association with a political party or objective; to allow for the granting of full amnesty to perpetrators after full disclosures and confessions and if all other criteria were met (Maepa 2005).

The goal of the TRC processes was to restore the dignity of the victims of Apartheid era crimes but not by inciting more violence in a nation with a history of violence, but through acknowledgement, reparations, and restoration, to transition to a more positive future (Maepa 2005). The TRC was based on principles of restorative justice: conflict was dealt with not by focusing on settlement or punishment, but by focusing on the fundamental causes to avoid repetition; and the perpetrators had to confess their offences and face responsibility for their actions (Maepa 2005). The TRC did, however, face criticism for getting the balance wrong between amnesty and reparations. According to Maepa (2005), while the TRC had the power

to grant full amnesty to perpetrators of violence, it did not have the power to implement the reparations that it recommended to parliament. Instead, implementation of reparations to the victims of violence, and particularly long-term financial reparations, relied on the political will of the government – which turned out to be a great weakness of the TRC (Maepa 2005).

Due to this lack of power held by the TRC, its capacity to enact restorative justice was significantly limited (Maepa 2005). Additionally, as the victims of Apartheid were not a handful of individuals, but arguably all people of colour in South Africa, identifying victims who should or should not receive compensation and reparations became a contested matter (Maepa 2005). Delays in financial reparations and lack of clear policies to implement reparations was seen as a failing of the TRC and a “denial of survivors’ legal and moral right to reparation” (Maepa, 2005; pp. 69). It was also a violation of a previous constitutional court ruling that stated that “amnesty for perpetrators could only be justified if reparations were made to the victims” (Maepa, 2005; pp. 69). According to Maepa (2005), in addition to this issue, another issue was that once perpetrators were granted amnesty, they were no longer liable for any criminal or civil damages, and were not responsible for making reparations. However, true restorative justice requires perpetrators to voluntarily contribute toward reparations for the victim (Maepa 2005).

The use of the term ‘restorative justice’ in the TRC proceedings has thus been heavily criticised as, according to Ramose (2003), it came from the “conqueror” who “used it tactfully to remove the cause of its own fear” (pp. 487). According to Maepa (2005) several lessons about restorative justice can be learned from the TRC: (1) First, the TRC made a substantial contribution as an example for restorative, as opposed to retributive justice, and gave many victims a voice; (2) second, despite the failings of the TRC, particularly regarding financial reparations, it can be argued that victims had more to gain through being heard and being acknowledged over the criminal justice route, where “punitive criminal justice models are not well suited to addressing the reparative needs of victims” (pp. 74); (3) third, the process made some perpetrators more accountable and more aware of the harms that they had caused, particularly by putting faces to the violent acts that had been committed.

The lessons learned were not only positive. According to Maepa (2005): (4) the fourth lesson is that, without justice, there may be truth, but there can never be reconciliation without sincere apology and reparations, preferably made by the perpetrator to the victims; and (5) fifth, space needs to be made for individual stories to be told and acknowledged, without the assumption

that once the stories have been heard and reparations have been offered, then everyone can just move on. There has to be acknowledgement and understanding that moving on after such great loss and violence as was experienced during the Apartheid era is not easy and cannot be an expectation in exchange for attempting to restore one's human right to dignity (and failing at that) (Maepa 2005).

These lessons may not all be easy, but they are extremely valuable to consider as South Africa once more draws on the principles of restorative justice to guide it through a transitional period.

# Chapter 3 – Research Design, Materials and Methods

## 3.1 Research Design

According to Creswell and Creswell (2018), “Qualitative research is an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem.” (pp. 41). The nature of the research problem, the positionality and personal experiences of the researcher, the study audience, and the methods of data collection, analysis and interpretation all serve to inform the selection of a research approach (Creswell and Creswell 2018). Qualitative research constitutes an inductive approach in which the research analyses the data and builds from specific details or evidence to common themes and eventually overarching interpretations. This research approach generally focuses on individual meanings ascribed to a complex problem with multiple understandings, interpretations, and outcomes (Creswell and Creswell 2018).

The purpose of using qualitative research methods in this study is to gain the opinions of multiple participants who have been identified as experts and professionals in fields related to the just energy transition. This is the most appropriate method of data collection for this study, as the study aims to analyse individuals’ perceptions of the opportunities and challenges for restorative justice in the South African just energy transition to identify how to improve the policy making process for the energy transition and energy transition policies. Furthermore, according to Creswell and Creswell (2018), if a topic requires further exploration or deeper understanding, particularly if it is a previously understudied topic, then it likely warrants a qualitative approach. The qualitative research is composed of interviews aimed at answering several questions to fulfil the objectives of the study and, ultimately, achieve the research aim.

## 3.2 Methods Used to Collect Data

This research makes use of interviews as its primary data collection method, complimented by a literature review. The literature review provides a thorough analysis of previous scholarship, including journal articles, news articles, columns, and governmental frameworks related to the topic, outlining the scope of this research, and situating this topic into the broader body of existing literature.

### 3.2.1 Interviews

Interviews were conducted as the primary data collection method. A total of 17 interviews were conducted individually, either in person in Cape Town, South Africa, at a setting of the participant's choosing, or online over "*Zoom Video Communications*" (Zoom). The choice of conducting both in-person and online interviews was made for financial and time constraints associated with travelling to and remaining in South Africa for longer periods of time. Perceived differences, however, between in-person and online interviews were found to be inconsequential and, while there can be only one Zoom meeting "administrator" and one person in possession of the interview recording, meeting on Zoom, instead of in-person, was found to have the benefit of being a relatively neutral meeting ground where neither interviewer nor participant is automatically in a position of power. Furthermore, all participants contacted had adequate access to a computer and an internet connection (loadshedding-willing).

Each interview lasted roughly between 30 and 60 minutes, depending on the length of answers given by participants, the opportunities for follow up questions, and personal time constraints of the participants. Each interview began with an introduction of the researcher, the research topic, and the aim of the study. The voluntary nature of the study was then explained to participants, and they were assured that their identities would be protected in the final write-up of the study. The participants were then given the opportunity to ask questions related to the researcher, the research, or the interview process. Participants were then provided with a consent form (Example provided in Appendix A) and were asked to verbally consent to the interview being recorded and transcribed. The interviews were guided by a series of questions, however, their progression relied on carefully listening and asking follow-up questions or requesting that the participants elaborate on what they were saying. This predominantly structured nature, as well as careful selection of the participants and a relatively small number of participants (17) allowed for the extraction of specific information from the interviews which allowed for methodical and organised data analysis and building the results of the study (Richards 2005).

Richards (2005) urges to not "... think of 'doing an interview' until you have reflected on what you are *doing to* the interviewee and the situation" (pp. 38). As such, special mind was paid to avoid unintentionally leading participants in one direction or another in the interviews, and care was taken to rather remain quiet and confirm understanding through nodding, gesturing, or

making affirmative remarks, to encourage the participants to feel comfortable sharing their opinions, and not to feel judged or dismissed. Cultural differences, as well as racial, age, and gender differences were also carefully considered before, during, and after interviews to be mindful of providing the appropriate level of respect and knowing when it would be more appropriate to interact with what is being said by a participant and when it would be necessary to just keep quiet and listen. Further ethical considerations can be found in section 3.5.

### 3.2.2 Research Participants

Participants were identified using a mixed methods approach of purposeful sampling and snowball sampling. The initial participant list was comprised of personal contacts, existing contacts from previous study at the University of Cape Town, and contacts identified through a Google search of various South African organisations and institutions. At the end of each interview, the participants were asked whether they could identify and make introductions with any of their contacts who might make appropriate respondents for the study, which began the process of snowball sampling. Snowball sampling yielded more success than purposeful sampling as professional introductions were made, and existing respondents were able to affirm both researcher and research. While the interview process predominantly made use of the snowball sampling method to recruit participants, which marginally takes selection power away from the researcher, special consideration was paid to the importance of having a diverse and representative pool of participants, in terms of professional role, race, gender, and age in order to avoid the discourse being ruled by a single dominant and narrow perspective, particularly when the topic is based on a country as diverse as South Africa.

The following is a complete list of the participants of the study, their professional role, and the date on which the interview was conducted:

*Table 1 Table of participants, their professional roles, and interview dates*

Identifier	Role	Date
Participant 1	Energy consultant in the non-profit space	14.02.2023
Participant 2	Emeritus professor and senior research fellow in a university economics department	07.12.2022
Participant 3	Advisor for a global NGO focused on community development and justice	19.12.2022
Participant 4	Civil engineer working in renewable energy construction	28.12.2022

Participant 5	Founder and general secretary of a coalition focused on justice and climate issues and postdoctoral research fellow at a university	09.01.2023
Participant 6	Chief director of policy and strategy in a provincial government department	18.01.2023
Participant 7	Coordinator and co-founder of an NPO advocating for a move away from fossil fuels	20.01.2023
Participant 8	Coordinator of a trade union network advocating for energy democracy and public ownership	02.02.2023
Participant 9	Coordinator of an advocacy and lobbying organisation for climate action, PCC advisor	03.02.2023
Participant 10	Co-founder and CEO of an organisation for impact management, measurement, and solutions	11.02.2023
Participant 11	Policy advisor for an international organisation focused on sustainable development	21.03.2023
Participant 12	Director of a climate and social justice NPO	23.02.2023
Participant 13	Youth intersectional justice activist working in communications and advocacy for two environmental NPOs	23.02.2023
Participant 14	Associate professor focused on social justice and adaptation in a university environmental department, PCC advisor	24.02.2023
Participant 15	Carbon project manager in a carbon management and offsetting company, ESG consultant	03.03.2023
Participant 16	Climate resilience and adaptation manager, PCC advisor	10.03.2023
Participant 17	Social development expert with a focus on energy access at an advocacy and lobbying organisation for climate action	10.03.2023

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### 3.2.3 Justification for Choice of Participants

The participants for this study were selected for their expertise, for their insights, for their creativity, and for their experience working in decision-making roles, policy-making roles, and with government entities. Each of the participants is a professional individual and expert in their field who works with people or with energy and has experience in some aspect of the energy transition in South Africa. The justification behind choosing this specific group of participants was so that the study could be informed by practical perspectives and by people who have first-hand experience of how policy-making processes for the just energy transition could be improved and could be focused around achieving restorative justice in the South

African just energy transition. This wide range of participants would be able to contribute to the amalgamation of a wide range of policy solutions that would include multiple perspectives and aspects of restorative justice that a few, similar individuals may not be able to assemble.

### 3.2.4 Justification for Structured Interviews

The interviews took a relatively structured form, as this study aimed to identify very clearly where the opportunities and challenges for restorative justice existed, as well as to identify exactly what policies should focus on so that the just energy transition can be a restorative process, according to a range of professionals. The interviews began with asking the respondents to clearly explain how they would define a just energy transition and what they understand about restorative justice and the role it could play in the just energy transition. These initial questions were asked to warm up the conversation, to allow for any misunderstandings or confusion to be dealt with before continuing into the more pointed questions, and to allow the interviewee to gain a sense of how the participant felt about the topic and whether they perceived it to be a worthwhile topic to explore at all.

The participants were then asked to identify what they thought the greatest opportunities for restorative justice in the energy transition were and what they believed to be the greatest challenges. These two questions made up the backbone of the study. The participants were given the opportunity to imagine the ways in which the just energy transition could lead to restoration and transformation and what challenges stood in the way of this. Participants were also asked to explain how they thought the opportunities could be used and the challenges could be avoided. The answers to these questions made up the ‘solutions’ – where policies for the just energy transition could be focused to ensure that justice remained a focus of the energy transition. Finally, the interviews ended with the participants offering the South African government one piece of advice for how they should proceed with the just energy transition. This question was included to determine what these experts and professionals really want to see from the leaders of and decision-makers behind the just energy transition.

## 3.3 Methods Used to Analyse Data

This study makes use of transcription, coding, and discourse analysis as methods used to analyse data. Recordings of each interview were made to capture the nuances from the interviews that may be missed in simple notetaking. These recordings were then transcribed



and coded. While most forms of data analysis make use of coding to ‘reduce’ data, “qualitative coding is about data retention. The goal is to learn from the data, to keep revisiting it until you understand the patterns and explanations” (Richards, 2005; pp. 86). This study therefore seeks to ‘sort’ and group the data through coding so that it can be analysed in a logical and sensical way. Finally, the data was analysed individually and comparatively to answer the interview questions and compare, contrast, and amalgamate the different perspectives and subsequent solutions shared in the interviews.

### 3.3.1 Transcription

To transcribe the interviews, this study makes use of Otter.ai, an online transcription tool where audio or video files can be uploaded, and the speech is transcribed and presented in a Microsoft Word document format. This document can then be downloaded and edited. All transcriptions were edited non-verbatim, alongside the original recording to ensure that the transcription captures the exact meaning behind what the participant has said and to correct any transcription errors made by Otter.ai.

### 3.3.2 Coding

This study makes use of NVivo qualitative analysis software for coding the data. Text can be imported to NVivo where the transcription is manually read, line by line, and codes can be manually assigned to different portions of each text. A significant benefit of using coding software over hand coding is that all text assigned to the same code can be organised and viewed side-by-side, making analyses far less complicated and laborious. Furthermore, NVivo allows for interrelated coding analysis, allowing the researcher to assess potential relationships between codes. Once codes have been assigned, overarching themes can be identified, which will be discussed and used to draw interpretations of the data.

Codes were assigned to each distinct topic or issue that was raised for each separate question. For example, for the question asking participants to identify opportunities for restorative justice in the South African just energy transition, each participant gave multiple answers and multiple examples. Each distinct example was assigned to a code and all similar answers from the other participants were assigned the same code. These codes were then grouped into wider themes containing several codes that share some sort of relation to one another. For example, under the theme ‘ownership and empowerment’, there initially existed several distinct codes -

ownership, acceptance, engagement, empowerment, community owned/led – all of which were combined and explored within the topic ‘ownership and empowerment’.

This process of combining interrelated codes or themes and exploring them as being interrelated, rather than distinct, is an effective choice for several reasons: first, it shows the interrelated and also complex nature of the issues at hand; second, it is an organised system for presenting information and results; and third, it allows for the findings to be presented according to the interview questions, which aim to uncover the opportunities, the challenges, the solutions, and the recommendations. While this may not have been how every interview was organised, as conversations tend to develop organically, despite the plan, the structured nature of the interview questions provides a built-in structure for presenting the findings of the interviews.

### **3.4 Limitations**

One of the primary limitations that may arise from this method of data collection could be due to bias, from both researcher and participants. In this case, the researcher is a South African citizen with personal background knowledge and a lifetime of bias on issues regarding South Africa. This bias arises from personal experiences and the demographics of the researcher, such as race, gender, and socioeconomic factors. Furthermore, while this research aims to explore individual perspectives of participants, the participants may exhibit bias in their responses due to the researcher’s presence and the researcher’s background. Additionally, the fact that an issue in South Africa is being studied by a researcher based in Europe may influence the way in which participants interact with the researcher and the questions. These limitations may be exacerbated by some of the interviews being held online over Zoom, instead of in person in a location of the participant’s choosing. This dynamic, as well as the previous limitations, may yield some unforeseen issues due to perceived power dynamics, which may be difficult to address online. Finally, technical difficulties may also come into play as a limitation in this study: first, transcribing online interview recordings where any freezing has been experienced can be challenging, particularly when freezing also throws the participant off from their train of thought and disrupts conversations; and second, in the wake of the South African electricity crisis, on two occasions online interviews were disrupted by loadshedding and had to be continued at later times, once again disrupting interviews.

### 3.5 Ethical Considerations

This research is entirely the work of the researcher's and not funded or influenced by any external individuals or organisations. The collection method will take the form of interviews. The interviews will be held either in person or over zoom and will be recorded with the consent of the participant. The interviews are voluntary, and the participants will remain anonymous, being identified only as "participant 1", "participant 2" etc. Before each interview, the participant will be made aware of the aims, goals, and potential outcomes of the study. The participants will be given a consent form to sign, indicating that the aim of the study has been explained, they have been given an opportunity to ask questions, and consent to participation, recording, transcription, the use of the software NVivo for coding, and the use of direct quotations in the final paper/thesis. A copy of the consent form has been attached in Appendix A.

While the perspectives given by the participants are unlikely to result in any harmful or dangerous consequences for the participants, they are being kept entirely anonymous to protect their confidentiality and prevent any negative backlash they may receive in their personal or professional lives because of their opinions. Their names, contact information, recordings of interviews, and transcribed interviews will not be disclosed to anyone unless requested by the participants. This will be made clear to all those who will participate in the study.

### 3.6 Positionality

According to Darwin Holmes (2020), research is influenced by the ontological and epistemological beliefs and assumptions of the researcher in relation to their research space or topic. This is known as positionality. The positionality of the researcher in this study in relation to the research topic is as follows:

Ontological assumptions: The nature of reality is dependent on an individual's experiences. We each see, experience, and define reality differently and therefore multiple realities can and do exist at once. In this research process, I will be bringing my own understanding of reality into my research but attempting to understand the reality of others through interviews. My aim is to try to analyse multiple realities without simply translating them to fit in with my own understanding of reality. I suspect that my own understanding of the reality of the topic will be altered through this process.

Epistemological assumptions: Similarly, the nature of knowing is also multiple and fluid. What I know is a product of my upbringing, my privilege, my race, my level of education, etc. The participants I interview for my research will have different knowledges and interpret the world differently to how I do. I aim to learn from these different knowledges and identify where my own knowledge has led me to conclusions that differ from the experiences of the participants. I suspect that, like my understanding of reality, my understanding and knowledge of the problem will be significantly altered through this process as I am exposed to multiple knowledges and translations of a complex issue.

### **3.7 Outcome of the study**

According to Abell and Myers (2008), an important issue raised by many researchers is the question of “who and what these interviews are for” (pp. 158). Linking to ethical considerations, the question of the outcome of this study (who and what it is for) needs to consider the experience of participation as experienced by the participants, how academic research uses the words and experiences of individuals and attempts to translate these into data for academic gain, how this data is the researcher’s own construction of knowledge from the multiple, diverse knowledges of the participants, and how the final study may or may not impact the lives of the participants and wider society (Abell and Myers 2008). The first and foremost objective of this study is to produce a thesis for a Master of Science degree. In addition, a significant goal of this study is to produce a work of compiled evidence and knowledge that can be used to guide decision-makers on policies relating to the energy transition that encourage restorative justice. Regardless of the outcome of the study, it will be shared with all participants who are undertaking important environmental work, and perhaps it will be used in the work that they do.

## Chapter 4 – Findings

*“I don't know how quickly you can do an energy transition, but I'm betting you can do it quicker than you can do justice.”*

– Participant 3

This chapter presents the findings from the 17 interviews conducted on the topic. The aim of the interviews was to determine what the participants understand by ‘just energy transition’, how they understand restorative justice, whether they perceive the inclusion of restorative justice in the just energy transition to be important, what they would identify to be the most significant opportunities and challenges for restorative justice in the just energy transition and what needs to be done to overcome the challenges and exploit the opportunities. Finally, the participants were also asked to suggest one piece of advice for the South African government on the just energy transition. While not all participants agreed and not all participants raised each of the forthcoming issues, the following represents an overview of what came up in the interviews.

### 4.1 Understanding the Just Energy Transition

Several different definitions of a just energy transition, what it entails, and how it might be realised emerged from the interviews. Initially it can be said that the term itself is a mouthful and yet still easier said than done (Participant 3). The just energy transition can be viewed as having two parts to it, the energy transition part, and the justice part. Simply put, the energy transition is a transition from fossil-fuel-based energy sources to sustainable, low-carbon, or renewable energy sources. It can be said to have a temporal element, with the presupposition that the transition should proceed with some haste (Participant 7). The justice part is the addition of the principles of justice into the energy transition processes to ensure access to affordable clean energy, with a particular focus on “giving back to people who are the recipients of injustice” (Participant 9), through a transition that does not leave the poor behind. The addition of justice in the energy transition can also be said to center energy as a common good, rather than as a private gain (Participant 3).

The understanding of a just energy transition may also include an element of balance between creation and destruction: the creation and destruction of value, the creation and destruction of

jobs, etc (Participant 10). The impact on communities was also an important element in the understand of a just energy transition, particularly the importance of considering the needs of those who will be most affected by the transition, those employed in the fossil fuel industry, to ensure that the burden, or the costs, of the energy transition do not fall unfairly on low-income groups (Participant 6). To ensure that the just energy transition is an “equitable transition toward an energy equitable future” (Participant 13), focus must initially be on the provision of energy to where energy has historically not even been provided, and work from there.

Over the course of the interviews, it was also made clear that the term *just energy transition* can be used for different means and for different gains. As stated by Participant 5, “A just energy transition is a vague enough term to admit of many interpretations... which is both its strength and its weakness”. It can be appropriated by corporate interests, hijacked by the fossil fuel industry, or wielded strategically by government to delay or block the implementation of the energy transition, slowing it down in the name of ‘justice’, but in reality “to ensure continued profiteering by a largely amoral industry” (Participant 7). Participant 8 raises concerns over the use of the term to “accelerate private sector involvement in SA’s energy system, as a sweetener for what is really a structural adjustment agenda”. On the other hand, when the term *just energy transition* is used by grassroots collectives or trade union movements, it can be indicative of deep and transformative change (Participant 5).

An important addition to the formation of an understanding was the need to continually ask questions when aiming to define a term as laden with nuances as *just energy transition*. In this instance, Participant 9 suggests the following:

*Justice for whom specifically? Including the question of how do we intend to achieve said justice? And how do we intend to finance the achievement of said justice? What kind of energy? What kind of energy do we need as a country? What kind of energy sources do we have? What is an appropriate energy mix that would allow us to be able to achieve our developmental aims without overburdening the environment or health?*

## 4.2 Defining Restorative Justice

Participant 6 introduced the background of restorative justice, which in criminal law is where restorative justice entails that people who have been found guilty of wronging or harming

individuals, communities, or the environment, would enact restorative justice by first acknowledging what they have done, acknowledging the harm it has caused, and offering recompense that is satisfactory for both accused and harmed. There can be a focus on physically restoring land and regenerating polluted or toxic environments to be able to support all the communities it supports, but it's also about restoring communities and restoring the relationships between communities and their environments, and the relationships between different communities to a state that is both regenerative and sustainable (Participant 10).

Restorative justice was described in the interviews to be: righting past inequalities (Participant 1); restoring damage that has been done (Participant 11); understanding where disharmonies have come from, who is responsible for them, and addressing inequalities that have resulted from them (Participant 10); Interrogating how we got to where we are, the mindsets and the paradigms that brought us here, and then developing new ways of being (Participant 16). Another aspect that arose from the interviews was the adaptive element to restorative justice, that it's not just about fixing what went wrong before, but it's about learning from the past and ensuring the same injustices do not reoccur (Participant 14). There is also an historical element to restorative justice because, "Often the injustices that exist in South Africa relate to dispossession of land, dispossession of health and community, dispossession of the ability to earn and have a secure and dignified existence" (Participant 7). Restorative justice is about healing these historical crimes against people, crimes that have stemmed from over 300 years of systemic racism, entrenched misogyny, and of the apartheid system (Participant 7).

It was also included that restorative justice does not function in isolation, but that there exists some overlap with the other types of justice: procedural, recognition, and distributive (Participant 14). While the other types of justice address current and future injustice, restorative justice can be thought of as "the mental health of the justices" (Participant 13) in that it emphasizes looking back to look forward. Importantly however, although restorative justice connotes restoration to a previous state, it's not necessarily restoring things to how they were before and it's not restoring the systems of the past. According to Participant 9, restorative justice is "bringing something back to what it once was, or what it once could have been" and, most importantly, "restoring a sense of dignity".

### 4.3 Importance of Restorative Justice in the Just Energy Transition

*“A rising tide lifts all boats, but not everyone has a boat. [Restorative justice] is giving the boat, or helping people build the boat, so that when the flood comes, we all rise together.”*

- Participant 13

There was near unanimous consensus among the participants that a focus on restoration is critical for the just energy transition, as the only way for a transition to have an equitable side and to not leave people behind, fundamental issues need to be addressed to allow for society to transition together. And South Africa’s fundamental issues, which have concentrated wealth in the hands of a few and harm in the hands of the majority, can be traced back to the colonial and apartheid legacies, as well as the ongoing extractive economic and ecological legacies (Participant 5). A truly transformative vision of a just energy transition, guided by principles of restorative justice, may look to transform the systems that have upheld these legacies, compensate the communities who have suffered injustices at the hands of these oppressive systems, and deliver on deep restorative justice (Participant 5). Additionally, to foster a unified vision for South Africa’s future, first those responsible for profiting on injustices need to acknowledge the roles that they have played so that trust can be re-earned (Participant 6).

Not all participants expressed optimism about the just energy transition being a restorative process for South Africa. Participant 10 stated that, while a restorative focus is fundamental, it’s never going to be achieved perfectly, while Participant 1 expressed apprehension over the expectation for the energy transition in South Africa to be able to address the injustices that have not been addressed since 1994. An energy transition is already a challenging feat and expecting it to be transformative in South Africa is believed by some to be too optimistic. Participant 3 stated the importance for all processes in South Africa to focus on restoration, but that often what is seen is a move toward compliance, rather than genuine transformation.

Finally, two more points were raised from this discussion. First, both Participants 9 and 11 communicated the importance of considering all the tenets of justice throughout the energy transition, as restorative justice cannot necessarily be looked at in the absence of the others. Second, there was disagreement over how restorative justice may influence the momentum of



the energy transition. While Participant 12 argued that a focus on restoration may slow down the switch to renewable energies for the purpose of ensuring no one is left behind, Participant 13 argued that focusing on restoration does not necessarily mean putting things on hold or even slowing down the transition. Instead, solutions aimed at improving the future may already help in fixing the inequalities of the past and present.

## 4.4 Opportunities for Restorative Justice

### 4.4.1 Environment

The first opportunity for restorative justice that was brought up in the interviews was focused on meaningful restoration of areas affected by the fossil fuel economy. According to Participant 11, not only is it a moral issue, meaning those who caused the damage should fix the damage, but what should also be accounted for are the additional benefits of restoring these areas, including restoring where water supplies have been affected. Restoring both the land and the water supplies would bring about numerous positive impacts from contributing to water supply, to benefitting agriculture. Moreover, land is not just a source of income, but it is home to the communities who reside on that land; “It’s where they’ve grown up. There is often a cultural identity associated with the land as well” (Participant 11).

### 4.4.2 Health

This leads into the second opportunity for restorative justice: restoring the physical health of affected communities. This point was raised by Participant 7, who spoke of the fossil fuel industry’s detrimental impact: pollution of the land, pollution of water sources, draining the water supply in specific areas for the power stations and coal mines – water which may instead have gone to sustaining the communities who reside on that land. There is also the issue of air pollution, and the often-ignored increase that has been seen in asthma cases and other lung diseases in affected communities.

*“There’s this heavy blanket of oppression that this industry causes, just sitting in these communities. And as that starts to lift, there should be benefits that go beyond just the direct economic multipliers from implementing renewable energy projects.”*

### 4.4.3 Accountability

The third opportunity for restorative justice lies in the opportunities for accountability through the just energy transition. According to Participant 10, there have been obvious beneficiaries of the extractive and damaging activities associated with the fossil fuel industry. These have largely been private sector institutions, many of whom have deep colonial roots, some of whom don't, but all of whom have generated both sizeable personal profits and substantial public harms. These institutions are headed by individuals who are responsible for the decisions that have resulted in harms and damages and must therefore be held accountable for their decisions (Participant 10). The just energy transition provides opportunities for such accountability processes. Participant 7 adds that accountability should also be extended to the international stage, where there is opportunity for reparations for exploitative and damaging past colonial relationships between many European countries and developing countries in the process of transitioning.

### 4.4.4 Employment

The third opportunity, and one that was a feature of several interviews, was the opportunity for restorative justice through the generation of new employment prospects. As elaborated on in the literature review, South Africa is facing a significant problem of unemployment and there is a great fear that an energy transition will only exacerbate that issue. While there have been mixed reports on the potential for job creation through the energy transition, both Participants 2 and 7 are confident that the consequences of moving to renewables would result in a positive effect on employment and job creation. These jobs would “not only benefit people who are historic employees of the fossil fuel industry, but a lot of people who are not currently benefiting from the energy industry” (Participant 7).

### 4.4.5 Energy Access

The fourth opportunity for restorative justice relates to energy access. There are several aspects to energy access. The first is physical access, electricity physically reaching low-income homes (Participant 2). The second is energy stability and predictability, which is not currently the case in South Africa (Participant 7). And the third is energy affordability, because physical access

and reliable energy supply does not mean much if the energy is unaffordable (Participant 9). Participant 9 explained that the electricity system in South Africa was designed to cater for only 20% of the population and, after Apartheid, once the decision was taken to expand electricity provision to the other 80%, capacity proved to be insufficient for this expansion. “So how do you restore electricity services to allow people to have that access, or excess rather, electricity available for them to be able to grow? You can’t grow if there is no room to grow” (Participant 9). According to Participant 9, restorative justice would be providing to all as much energy as is needed to allow for growth, to reach the stage of self-actualisation, and to restore dignity to those who have previously been excluded from energy access.

#### 4.4.6 Ownership and Empowerment

The fifth and sixth opportunities for restorative justice are inextricably linked. The first is ownership. According to Participant 5, the energy transition provides opportunity for restorative justice by imagining and building new ownership structures in the energy sector. Ownership is also important for acceptance of new technologies or new processes, as it has been demonstrated repeatedly that humans do not like to have new things imposed on them that they never asked for (Participant 9). And to be able to create a sense of ownership, there must be meaningful engagement and participation, because “whatever might come out of that process might look... in fact, it will look very different to the system that you would have designed yourself. And that's what you want, right? You want people to be self-sufficient. You want people to be participating in processes, that are going to impact their lives” (Participant 9). This leads into the sixth opportunity for restorative justice, which is empowerment. According to Participant 13, true restorative justice would move beyond community owned, to community led – bringing about empowerment for those previously disempowered.

#### 4.4.7 Sustainable Development

The final opportunity for restorative justice in the just energy transition is future-oriented, setting the foundations for truly sustainable development in South Africa. This opportunity was brought up in the interview with Participant 7, who pointed out that South Africa’s most abundant renewable energy resources exist in the Northern Cape, and so based on where wind and solar resources are most abundant, it would make sense building solar and wind farms in the Northern Cape. There are, however, also excellent solar and wind resources in Mpumalanga, where many coal mining activities have taken place and where transmission

grids already exist. It would make sense to follow this logic throughout the country, building wind, solar, storage, and hybrid facilities where existing power facilities have been located and where there are adequate conditions for wind or solar. According to Participant 7, there have also been talks of building agrivoltaics in agricultural areas, which make better use of the land, reduce water loss, and provide shade to vulnerable crops. These endeavours would “kickstart truly sustainable economic development in those regions, which would be an amazing form of restorative justice” (Participant 7).

#### 4.4.8 Section Conclusion

The opportunities for restorative justice (outlined in section 4.4) can be summarised in Table 2.

*Table 2 Opportunities for Restorative Justice in the Just Energy Transition*

<b>Opportunity</b>	<b>Restorative Justice Potential</b>
Environment	Opportunity for meaningful restoration of fossil fuel-affected areas.
Health	Opportunity for restoring the physical health of affected communities.
Accountability	Opportunity for holding beneficiaries of extractive and damaging activities accountable for restoring the damage.
Employment	Opportunity for reducing unemployment in South Africa through job creation in renewables, restoring self-sufficiency and dignity.
Energy Access	Opportunity for the restoration of energy equity through improved energy access, stability, predictability, and affordability.
Ownership	Opportunity for the imagining and building of new ownership structures and co-production of new processes to restore ownership within the energy sector.
Empowerment	Opportunity for restoring a sense of empowerment through participation, engagement, and community-led initiatives.
Sustainable Development	Opportunity for setting restorative foundations for the future.

## 4.5 Challenges to Restorative Justice

### 4.5.1 Governance and the State of Things

The first group of challenges includes government ineptitude and the resultant state of the country. According to Participant 5, the South African citizens have been watching the government, both municipal and national, move into a state of disrepair, from corruption and infighting to a lack of service delivery. Participant 5 questioned whether it is reasonable to expect delivery on restorative justice when the government has been unable to deliver on the basics. Furthermore, according to Participant 7, the state set to lead the transition is “barely functional”, while the fossil fuel companies set to participate in the transition are “largely amoral”. There is also the problem of the South African municipalities each, in turn, going broke, restricting the amount of governing that can be done (Participant 1).

Another challenge is the failing management and infrastructure at Eskom. “The chances that Eskom will fall apart completely are now looking more likely” (Participant 5). According to Participant 5, the power stations and the energy grid are being driven into the ground for political manipulation and gain, but this unsustainable tactic will have the most devastating effect on the communities that currently depend on mining. Another by-product of the decline of Eskom is the load-shedding, which has been steadily increasing in severity, overriding everything, heavily impacting the economy, and resulting in enormous cost for everyone (Participant 2).

### 4.5.2 (Mis)understandings, Distrust, and Resistance.

Just energy transition is easy to say, but not as easy to implement, particularly when, unless there is a shared definition and a communal understanding of what ‘just energy transition’ means, “you are going to get deviations of various degrees away from what you think you are doing and what you think you mean, to how that ultimately translates into practice, into policy, into legislation and so on” (Participant 10). There is also the question of cultural and language barriers, which can result in misunderstanding, in bias, in exclusion, and in confusion. Participant 10 explains how there is a richness to be discovered in assessing and combining different understandings of ‘just energy transition’ and ‘restorative justice’ to come up with a communal understanding. The problem, according to Participant 13, is that even our leaders don’t understand what is meant by the terms.

At the same time, working toward an agreed upon and accepted definition in itself can become a sort of “red herring” where consensus cannot always be reached and requiring consensus before action can be taken can result in delays, particularly when dealing with a complicated energy issue and complicated cultural and social differences between politics, labour, academia, and communities (Participant 11). Contributing to the complexity is the belief, or the misunderstanding, that South Africa needs to follow the traditional fossil fuel intensive path to continue developing. Instead, South Africa is stuck in the minerals-energy complex (Participant 9). Even well-meaning politicians and policymakers are unable to comprehend that renewables are feasible, and even superior, to fossil fuels for the economy (Participant 7).

*And ever since then, at a global level, the use of fossil fuels has been making us collectively poorer. There's the illusion of progress built on fossil fuels, basically through inequality. So, you can still sit somewhere in a privileged position in the fossil fuel industry and pilot enormous profits, but only by externalizing massive costs onto people far away and then future generations.*

- Participant 7

Another challenge to restorative justice is the deep mistrust that many South Africans, as well as businesses have in the government, particularly in terms of energy (Participant 6). According to Participant 3, the South African people are traumatised, and asking for trust and for imagination is a challenge. Moreover, according to Participant 6, asking for investment and for financial sacrifices from businesses who do not trust the government is “a little bit rich”, considering the government has not been able to maintain even basic economic infrastructure.

Finally, there is the challenge of resistance. First, from coal mining communities and labour unions, as many breadwinners will be out of jobs and may not have the skills to transfer to different types of employment (Participant 17). It is also not clear as to exactly what support the workers will receive and if they are aware that this support will be offered (Participant 6). There is even resistance from within the ruling party, the African National Congress, in which exists several individuals who would prefer to cling on to the status quo instead of using this as a transformative and restorative opportunity (Participant 5).

### 4.5.3 Participation and Accessibility

One of the most repeated challenges to restorative justice that was mentioned in the interviews was participation. Participation is the very thing that could result in a sense of ownership in the just energy transition, but it also one of the most difficult things to achieve (Participant 9). Meaningful participation takes time and effort, both on the part of those in leadership and planning positions and stakeholders who may have more pressing priorities and who are now being invited to engage (Participant 12). Oftentimes stakeholders do not participate, not because they are not interested, but because their day to day lives do not offer them the luxury of taking time off to participate (Participant 12).

*How do you derive and catalyse participation from a community that are traumatized because of violence, that are struggling to survive? You can't walk in a room with a PowerPoint presentation, and you holding the proverbial marker pen, and you say to them, "Here's our idea."*

- Participant 3

In view of the fact that participation is time consuming and can lead to significant delays, reworkings, or even abandonment of initial plans if the perspectives that emerge through consultation are genuinely considered, patience is being lost for it (Participant 3). Participation is sometimes also used strategically to get the stamp of approval to do things 'to' communities or 'for' communities, instead of doing things 'with' or even 'by' communities, which should be the aim (Participant 3). The initial vision or goal of the project may be genuinely beneficial for the community, but this type of 'tokenistic' participation leaves communities with no power in the process (Participant 3).

Participation also comes with an inherent level of responsibility for the decisions being made – decisions that will have a direct impact on peoples' lives and the future – which are heavy responsibilities to carry (Participant 9). The final decisions will also never be agreed upon unanimously. In a country of roughly 60 million people, not everyone will have their perspective heard, and those responsible for decision-making will have to live with the fact that not everyone is going to be happy (Participant 9). This reality must be accepted to not fall into the trap of over consulting (Participant 11). The best scenario is to have the broadest

consultation possible, but in the end, government must take some decisions, and hopefully those decisions will be equitable and progressive (Participant 2).

Another challenge to restorative justice is accessibility. This comes in two forms: physical access and access to information. In South Africa, people can't always access the platforms required for engagement, whether that be a specific physical location or online (Participant 12). Online accessibility has become more challenging as many only have access to subpar bandwidth and South Africans are facing up to 12 hours of load-shedding a day (Participant 12). Finally, when there has been participation, it is often paired with a lack of access to information, which undermines the whole process and prevents meaningful engagement (Participant 11).

#### 4.5.4 Job Loss and Skills Transference

Three significant challenges facing restorative justice in the energy transition are job loss, skills transference, and the social unrest that might follow. There is a significant unemployment problem in South Africa regardless of any energy transition, and coal workers will not easily find new employment based on their existing skillset (Participant 2). Then there is the question of reskilling the affected workers, but South Africa is very bad at that, with an inadequate system for skills development, and poor-quality further education and training colleges (Participant 2). There is also a commonly held belief that we need fossil fuels to develop and that any transition that results in job loss is a betrayal of the people (Participant 7). This belief may lead to further resistance, or even social unrest, as has been the case previously with the closing of factories or industries that have affected jobs (Participant 16).

#### 4.5.5 Privatisation and Profiteering Opportunities

*And so I think there is a real worry that, while the President talks about the just energy transition, actually, what's happening in reality is a very unplanned, market driven transition that benefits not everybody and won't be exactly a fulfilment of restorative justice or distributive justice.*

- Participant 5

A common concern raised in some of the interviews was of the market-driven approach to the energy transition and how this may undermine efforts for justice in exchange for private sector



profiteering. There is a position being taken which asserts that because coal is bad and renewables are good, anything promoting renewables (in this case private sector energy generation) is ultimately a good thing (Participant 8). There are significant incentives for those with the power – the big coal companies and renewable energy industries - to keep any transition to their benefit (Participant 5). New opportunities and less red tape await those in South Africa with wealth, capital, and land, who can now invest in renewables for personal profit, which is unlikely to result in deep transformation and restoration or other forms of justice (Participant 5). Over time, the private energy system may be greener, but it is also going to be more expensive and compromised (Participant 8).

#### 4.5.6 Corruption and Accountability

One of the most frequently mentioned challenges to restorative justice in the energy transition was corruption. From policymakers to government officials to criminal syndicates, the interviews were permeated with examples of corruption in South Africa. The fossil fuel industry is one of the more corrupt industries operating in South Africa, and the corruption in Eskom, a state-owned utility, bleeds into corruption of the politicians (Participant 7). There is concern that the loans secured for the just energy transition will disappear in a similar way that South Africa saw the COVID-19 relief funds disappear – to line the pockets of the politicians in charge of the funds (Participant 17). There is also a great deal of concern over plans that include repurposing various facets of Eskom as, according to Participant 7,

*I fear the credibility of the plan has obviously taken a sharp dive since we tried to poison our Eskom chief executive, who I think was probably one of the people who gave most credibility to the idea that you could transform Eskom.*

It is also not always safe sending in scientists, consultants, or anyone in favour of the transition to mining and generation sites, as these have become the operating grounds of sophisticated criminal networks (Participant 16). It was recently revealed that Eskom is being controlled and manipulated by four cartels, two of which are headed by ANC Cabinet members (Participant 15). The corruption in the South African energy sector has seen increased loadshedding and increased prices, the burden of which falls heaviest on the poor (Participant 5).

The final challenge hinges on restorative justice requiring an element of accountability, which is not easy to achieve. The problem is not that those who have knowingly caused damage and

reaped the rewards from that damage cannot be identified – it is clear who they are – but getting them to acknowledge, sacrifice financially, and repair and restore the damage is the challenging part (Participant 12). This is particularly difficult if they maintain that they have done no more wrong than the next person and that their money is hard-earned and well-deserved (Participant 3).

## 4.5.7 Section Conclusion

The challenges for restorative justice (outlined in section 4.5) can be summarised in Table 3.

*Table 3 Challenges to Restorative Justice in the Just Energy Transition*

<b>Challenge</b>	<b>How it Could Undermine Restorative Justice</b>
Governance	Through corruption, infighting, and lack of ability to deliver on services, that has characterised leadership structures in South Africa.
The State of Things	Through the failures and uncertain future of Eskom, as well as the relentless and intensifying problem of loadshedding.
(Mis)understandings	Through cultural, social, and language differences between politics, labour, academia, and communities which have caused misunderstandings of the problem and how it should be managed.
Distrust	Through the deep distrust that many have in the government, which may undermine the communal efforts and shared vision required for a just energy transition.
Resistance	Through defense of the status quo, especially from mining communities and labour unions, as well as from political leaders.
Participation	Through the difficulties associated with participation, which may result in a lack of meaningful and genuine engagement and an exclusion of the voices of those most in need of restoration.
Accessibility	Through the challenges of ensuring physical access to participation and transparent access to information, which may undermine participatory processes.
Job Loss	Through the exacerbation of the problem of unemployment through job losses, particularly for those with jobs in fossil fuel industries.
Skills Transference	Through poor-quality further education and training colleges, which may reduce the ability for upskilling and reskilling of those affected by job loss and unemployment.

Social Unrest	Through job loss and a lack of skills transference, which could also lead to further resistance and social unrest.
Privatisation	Through the market-driven approach to the energy transition, which may benefit the few, but also exacerbate inequality.
Profiteering Opportunities	Through the many opportunities for the wealthy and connected to profit greatly from the energy transition, likely be at the expense of the most vulnerable.
Corruption	Through corrupt policymakers, government officials, and criminal syndicates that exist in South Africa.
Accountability	Through the challenges associated with accountability – acknowledgement, reparations, and restoration – which are required for true restorative justice.

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## 4.6 Achieving Opportunities & Overcoming Challenges

The following is a compilation of suggestions given by the participants to achieve the opportunities for restorative justice and overcome the challenges, ultimately to ensure that the South African just energy transition is a restorative transition.

### 4.6.1 Good Governance and Capacity Building

First, Participant 12 highlighted the need for the transition to be carefully driven and Participant 11 highlighted the need for careful planning going into each component or process. South Africa has heretofore been lacking in political will, which is something quite critical for the transition (Participant 6). South Africa requires strong political leadership, that can coordinate partnerships between different stakeholders and entities from different levels of society, that has the dedication to rooting out corruption, and that has the courage to make a start (Participant 16).

Another suggestion is to invest in capacity building. The transition is not just about knowledge, but about skills (Participant 13). Currently, government is not considering communities as viable options for ownership or for leading various parts to the transition. But with community mapping, going into communities to figure out exactly what exists, where the strengths lie, and what is needed, communities can then be assisted to develop the skills required for leadership and ownership (Participant 13). Another aspect to capacity building starts in the education

system and looking at future career pathways and skills pathways under a renewable energy economy, and using this information to inform education, developing programmes that can train and upskill people to be able to fill those future jobs (Participant 16).

#### 4.6.2 Participation, Access, Transparency, and Ownership Shift

Another suggestion is to put more effort into intentional engagement of stakeholder groups (Participant 10). To do this well, the first step is acknowledging the fact that there's a disparity in knowledge and a disparity in resources (Participant 13). The second step is realising that one element of restorative justice, and the process of reducing these disparities, is closely related to which voices are being included and listened to (Participant 5). Active participation means being provided with the space and opportunity to speak, not just to attend (Participant 13). And when community members speak, and get angry or get emotional, they should not be asked to leave the room or get their emotions in check (Participant 13). A broader, deeper process that engages with restorative justice issues and acknowledges the perpetuation of Apartheid Era injustices in South Africa is required for the energy transition to be truly restorative (Participant 5).

Another very important suggestion is for the participation spaces to be both easily accessible and neutral, so no one starts off on a higher ground with more power or more representation (Participant 13). There also needs to be access to enough information to lead to substantive participation (Participant 11). All facets of the plan need to be laid out, all the evidence needs to be shared, and, from a restorative justice perspective, there also needs to be some type of transparency – a space, like in the Truth and Reconciliation proceedings, where admissions can be made to having caused damage or committed harms (Participant 10). All these suggestions can work to create a neutral space where there is freedom to share perspectives and participate actively. Once this is possible, all the different perspectives can be incorporated into how new systems are designed, leading to a sense of ownership (Participant 9). Therefore, rather than doing things ‘to’ or ‘for’ communities, it would be moving toward processes that are, at the very least, done ‘with’ communities, and at best done ‘by’ communities. (Participant 3)

### 4.6.3 Accepting Dissent and Experimentation

*Is the energy transition more important than the 'just' or is the 'just' more important than the energy transition? Or are they equivalent? There are probably going to be tradeoffs."*

- Participant 3

In any big transition there will be conflict and there will be dissent. The fact that people may think they are right, and others are wrong, does not necessarily make something just or unjust, and if some are unhappy with a decision, it doesn't always mean that the decision was the wrong one to take. (Participant 3). According to Participant 11, it sounds simplistic, but occasionally it just comes down to the old life lesson, 'agree to disagree', because if you wait for perfect consensus, you will get stalled.

Another suggestion raised in the interviews was to just begin implementing something (Participant 11). According to Participant 16, now is the time to come up with practical solutions to problems, identify roles and responsibilities, and set timelines for implementation. Scenarios can initially be tried out in small case studies in specific areas, and the lessons learned from these experiments can be taken back to the drawing board and developed and implemented on larger scales (Participant 16).

### 4.6.4 Wealth Redistribution, Accountability, and Weeding out Corruption

A suggestion made by Participant 5 was to introduce a wealth tax for big corporations to redistribute the wealth. This tax could be used to fund more social ownership, municipal service delivery, and public goods, leading to a gradual transition from a minerals-energy complex, which benefits the wealthy few, to investing in the public good and social ownership, which would benefit the many (Participant 5).

Another important aspect of this is to hold companies and the individuals making decisions in those companies accountable for the decisions being made. There are obvious beneficiaries to the damage that has been caused by the extractive fossil fuel sector (Participant 10). Several have deep colonial roots but have understood what their operations were responsible for

causing since the 70s (Participant 10). And within those companies are identifiable and traceable decision-makers who should be held accountable for the destruction that has been caused to the environment and to communities (Participant 10). To enforce this accountability, there needs to be stricter regulations, and policies and government officials need to hold these companies and individuals accountable (Participant 6).

On the topic of accountability, the government also needs to be held accountable. According to Participant 6, there is a trust deficit between citizens and government because the government has not followed through with their past commitments and promises. To get rid of this trust deficit, the government needs to take a long look at the commitments they have made and begin to follow through on those commitments, and it is the job of the people to hold their government accountable (Participant 6). The people also need to hold the government accountable for reducing the amount of corruption in South Africa (Participant 17). There were few suggestions on how the government might weed out corruption, however, one suggestion from Participant 15 was to ensure professional hiring processes in civil service, to reduce nepotism, resulting in only qualified and professional individuals rising to higher levels of government (Participant 15). These individuals will be unlikely to jeopardise their reputations and careers in exchange for bribes (Participant 15).

#### 4.6.5 Organise and Mobilise

Finally, it was suggested that what South Africa needs is a shared vision to inspire, something that people can buy into, to rise above politics and to unify (Participant 6). The energy transition could, with the right framing, be something that everyone could get behind and work towards as a country (Participant 17). A unified movement led by civil society, instead of just pushed by government (Participant 6). When civil society is organised behind an idea and mobilized behind an idea, that's when they become a force for change, because "it's the people in the country that could bring the country to a standstill" (Participant 9). And, if the people are not organised and mobilized, entrenched interests get to maintain the status quo, and there will be no transformative change (Participant 9).

#### 4.6.6 Section Conclusion

The solutions for achieving the opportunities and overcoming the challenges (outlined in section 4.6) can be summarised in Table 4.

*Table 4 Solutions for Achieving Opportunities and Overcoming Challenges in the Just Energy Transition*

<b>Solution</b>	<b>How it can Achieve the Opportunities and Overcome the Challenges</b>
Good Governance	Through a strong, unified governing body driving the transition and prioritising restorative justice.
Capacity Building	By investing in the South African people through reskilling, upskilling and empowerment.
Participation	By active engagement with stakeholders in the knowledge that no one holds all the answers, so that the transition can be guided by multiple voices.
Access	Through accessible and neutral engagement spaces and access to all the information available.
Transparency	By clear descriptions, definitions, and announcements of plans, and avoiding misunderstandings.
Ownership Shift	Through the co-production of designs and the co-management and ownership of new systems.
Accepting Dissent	By occasionally having to take responsibility and make decisions, despite pushback.
Experimentation	By implementing practical, small-scale experiments to learn from.
Wealth Redistribution	By implementing a wealth tax for big energy corporations.
Accountability	By holding those responsible for harms accountable for the harms they have committed.
Weeding out Corruption	By holding the government and other corrupt entities accountable for their corruption.
Organise and Mobilise	By inspiring a unified vision, around which civil society can organise and mobilise.

## Chapter 5 – Discussion

This study aimed to answer the following three research questions: (1) What are the greatest perceived opportunities and challenges for restorative justice in the just energy transition? (2) Where and how can policy interventions help facilitate a restorative just energy transition in South Africa? (3) What does the South African government need to be focusing on or improving on to effectively lead South Africa through the just energy transition? This discussion is therefore aimed at answering each of these three research questions separately in the first three sections, followed by a description of the outcome of the study, and ends with a section on recommended policy interventions.

### 5.1 The Greatest Perceived Opportunities and Challenges for Restorative Justice in the Just Energy Transition

The participants largely unanimously agreed that a true just transition requires a genuine commitment to restoration, otherwise the words are empty and their use points instead to specific political agendas. The participants identified several opportunities for restorative justice in the just energy transition, but also several challenges that could work to undermine restorative justice in the just energy transition. A full compilation of the opportunities and challenge, and where there is overlap between the two, has been presented in Figure 3.

*Figure 3 The opportunities and challenges for restorative justice and where they overlap.*





As is clear from Figure 3, while the participants identified several opportunities and challenges for restorative justice, ultimately, more challenges than opportunities were identified. This could be for several reasons: there could be more challenges than opportunities; the participants are more pessimistic than optimistic; or the challenges are simply more tangible - many of the participants face these challenges in their work and in their daily lives, making them more easily recognisable and identifiable than the far more abstract opportunities that are mostly yet to materialise.

Additionally, some overlap was found, where some of the opportunities also posed the greatest challenges. Included in this list is: (1) Employment, where there are both opportunities for job creation, but also the likelihood of job losses, particularly those jobs in the fossil fuel industry; (2) Accountability, where there is the opportunity to hold the beneficiaries of harm responsible for restoring the damage, but this is also an incredibly challenging endeavor due to factors like power, politics, and wealth; (3) Participation, where there is the opportunity to engage meaningfully with multiple perspectives and voices on what restorative justice may look like, however, achieving ‘meaningful participation’ is in itself a challenge; and (4) Accessibility, where there is opportunity for improved energy access, stability, predictability and affordability, but also challenges to accessibility in terms of physical access to participation and access to information.

Many of the opportunities and challenges were also linked in other ways, with the achievement of some of the opportunities relying directly or indirectly on the overcoming of some of the challenges. For example, the opportunity to empower communities and facilitating community-led change could be undermined by incompetent governance structures or a failure to overcome the challenges associated with active engagement and participation. Achieving the opportunity for employment through the creation of new jobs in the renewables sector relies directly on overcoming the challenge of skills transference – reskilling or upskilling workers and those currently unemployed, through further education and training colleges.

### 5.1.1 In Relation to Previous Literature

Despite the accelerating effects of global warming (The Presidency 2022), a global trend in decarbonisation (Newell et al., 2020), increases in the affordability of renewable energies (Marais et al. 2022), and decreasing global demand for South Africa’s coal exports (Marais et al. 2022), some of South Africa’s greatest challenges to a restorative energy transition are: (1)

a (mis)understanding about the benefits of the transition; and (2) resistance to the transition in defense of the status quo and continued fossil fuel use. (Mis)understanding could be the result of the general incoherence from the government, particularly the mixed signals from Minister Gwede Mantashe and President Cyril Ramaphosa (Nyathi, 2023; Swilling, 2023), whereas the resistance comes from two sides - as a result of both corruption (another significant challenge to restorative justice) from those profiteering off the coal industry (Cohen 2023) and from those in a position to 'lose' from the energy transition (Mukanjari, Sterner, and Gelo 2022), such as coal unions.

Some of these challenges are also the leading cause of other challenges. For examples, the general state of things in South Africa has contributed to a myriad of the challenges facing the realisation of restorative justice in the energy transition. All of the crises at Eskom (Bowman 2020), loadshedding affecting the lives of every South African on an almost-daily basis in 2023 (Mills 2023), significant tariff hikes for electricity, meaning that electricity bills are now higher than ever, despite there being less electricity than ever (Maguire 2022). The state of South Africa has resulted in social unrest and a general sense of distrust in the governing abilities of the South African government, all of which have been included as potential challenges to restorative justice.

From the review of the existing literature, Hoffman et al, (2021) draws attention to several challenges, stating that privately owned and financially motivated renewable energy megaprojects often lead to negative social equity outcomes, as they leave little room for community engagement or public participation. Zulu (2022) concurs, warning of profit seeking opportunities in the renewables sector, as well as the hardship and suffering that will result from a market-driven energy transition. This speaks to the challenges of privatisation, profiteering opportunities, and participation that were raised in the interviews. Further comments on the challenges of participation and accessibility in South Africa came from Zulu (2022), who spoke of the exclusivity of the initial plans for the just energy transition, which have thus far taken place "behind doors barred to the public" (pp. 7). Furthermore, the challenge of employment, specifically job loss, is touched on by Sweeney (2022) who argues that a policy that includes firing workers cannot be 'just'.

One challenge that was not raised in the literature review is that of accountability. The need for accountability is not included in the definition of restorative justice or the list of ways in which restorative justice can be embodied in a just transition from the Presidential Climate

Commission (section 2.2.2), nor was it explicitly mentioned in the definitions of restorative justice by energy justice scholars in the context of energy justice. It was, however, brought up by Hazrati and Heffron (2021) in the context of criminal justice studies, which saw accountability and restoration of the victim of harm by the perpetrator of that harm as a vital component of restorative justice. This is also the stance taken by the TRC (Truth and Reconciliation Commission), which sought to hold perpetrators accountable for their crimes during Apartheid but failed to follow through on holding them accountable to making reparations. Similarly for the just energy transition, accountability has emerged as a challenge to restorative justice, but unless those who are responsible for harm are held accountable for making reparations, then there cannot be true restorative justice, as was witnessed in the TRC.

Accountability, however, is not just a challenge, but also an opportunity, as are employment, participation, and accessibility. All these factors pose great challenges to restorative justice but are also great opportunities for restorative justice in the just energy transition, if perpetrators of harm are held accountable, if meaningful participation is achieved, and if access to information, access to participation, and access to clean, affordable, reliable, and stable energy is prioritised. And while job loss poses a challenge, according to Ram et al. (2020), renewable energy generation comes with new employment opportunities. Additionally, the Just Transition Framework acknowledges that the pathway to restorative justice in transitions hangs on achieving many of the same opportunities that were addressed in the interviews: (1) supporting the right to a *healthy environment* and *acknowledging the impacts on health and the environment* in coal and fossil fuel affected communities; (2) shifting away from fossil fuel intensive sectors to improve ecosystems, *energy security*, *environmental condition*, and *employment* opportunities, and *eliminate energy poverty*; (3) decentralising the energy economy to allow for *inclusion*, *participation*, *diversity*, and *ownership*; and (4) *remedying past harms* through the *redistribution of land*, Broad-based Black Economic Empowerment, and *equitable access* to environmental resources (The Presidential Climate Commission 2022). This pathway either directly or indirectly touches on each of the opportunities for restorative justice in Figure 3.

While it is difficult to determine the likelihood of the challenges hindering restorative justice and the opportunities for restorative justice not being adequately seized in the South African just energy transition, according to Mukanjari et al. (2022), there will be both winners and losers in the South African energy transition. And, according to Hoffman et al. (2021), the

emergence of just outcomes in an energy transition depends on the prioritisation of justice for the leaders and decision-makers steering the transition. The question of how restorative justice can therefore be prioritised in the just energy transition is addressed in the following sections.

## 5.2 Where and How Can Policy Interventions Help Facilitate a Restorative Just Energy Transition in South Africa?

The structure of the interviews meant that participants were asked to separately speak on how to achieve opportunities for restorative justice and how to overcome the challenges to restorative justice. These recommendations turned out to be essentially the same, and so they were combined, revealing a list of solutions that could help advance restorative justice through the just energy transition. Figure 4 shows the 12 solutions that were put forward in the interviews.

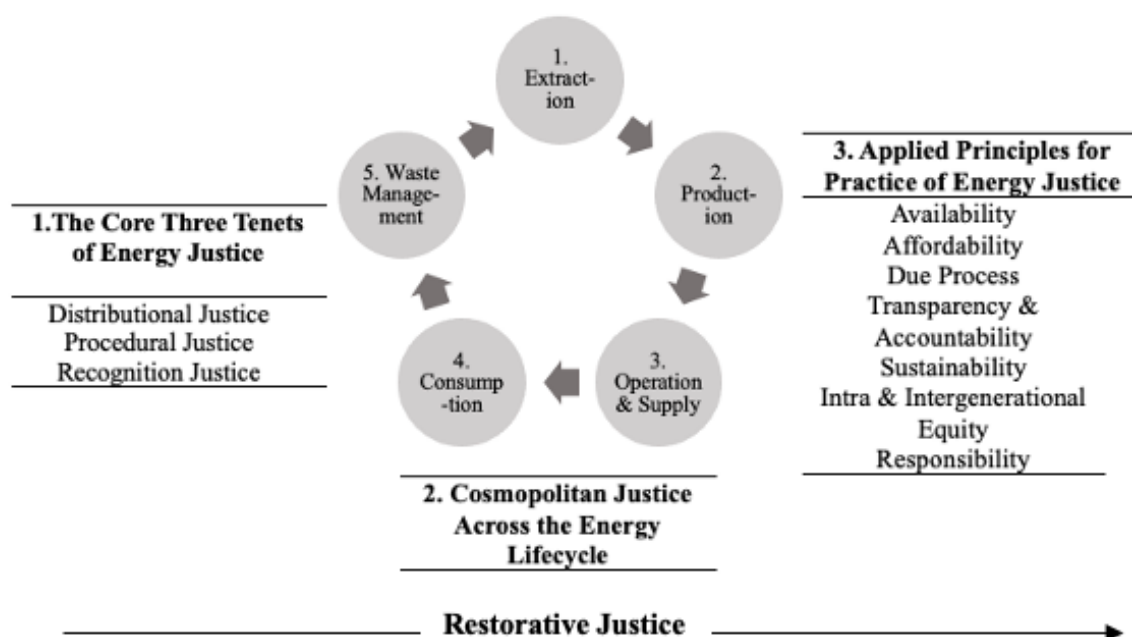
*Figure 4 The solutions to advance restorative justice in the South African energy transition*



### 5.2.1 In Relation to Energy Justice Theory

This practical list of solutions for how to achieve the opportunities and overcome the challenges for restorative justice reflects Heffron and McCauley's (2017) depiction of restorative justice, envisioned as an active process of repairing harm, which should be incorporated into every step of the decision-making process and in conjuncture with the other tenets of justice and the applied principles for practice of energy justice (Heffron and McCauley, 2017) (see figure 5).

Figure 5 The three phases of decision making for applying energy justice.



Source: Adapted from Heffron and McCauley (2017)

The solutions that were put forward in the interviews are inextricably linked to the other tenets of energy justice, and to the applied principles for practice of energy justice (figure 5). In fact, each one of the solutions is either addressing one of the tenets of energy justice or an applied principle. The only exceptions were ‘sustainability’, as none of the solutions focused on the sustainable use of natural resources, and ‘cosmopolitan justice’, as the questions were focused on South Africa and not on cross-border polluting or damaging activities. A full list of the core three tenets of energy justice and the applied principles for practice of energy justice is listed in Table 5, alongside the solution(s) for restorative justice that is/are directly or indirectly addressing them.

Table 5 the tenets of energy justice, the applied principle for practice of energy justice, and the solutions addressing them.

Tenet of Energy Justice	Solutions from the Interviews
Distributional Justice	<i>Wealth Redistribution, Ownership Shift, and Capacity Building</i> - redistribute the costs and benefits, ensure long-term benefits with an ownership shift to previously marginalised communities, and invest in capacity building to train citizens for new jobs and ownership positions.
Procedural Justice	<i>Access and Wealth Redistribution</i> – identifying who has been previously disadvantaged and provide access to affordable,

	reliable, and stable electricity, fulfill the right to access to information, as well as redistributing the benefits that have accrued to those who have benefited from the marginalisation and misrepresentation of these communities and individuals.
Recognition Justice	<i>Access and Participation</i> – to ensure that participation is fair and inclusive and to ensure that there is easy access both physically to be able to participate, and access to information, allowing participation to be more meaningful.
<hr/> <b>Applied Principle for Practice of Energy Justice</b> <hr/>	
Availability	<i>Access, Good Governance, and Weeding Out Corruption</i> – Ensure access to reliable and stable energy and improve governance and weed out corruption so that energy availability can be achieved.
Affordability	<i>Access, Good Governance, and Weeding Out Corruption</i> – Ensure access to affordable energy and improve governance and weed out corruption so that energy affordability can be achieved.
Due Process	<i>Participation</i> – Communities must be given the opportunity to be involved in the decisions affecting them in a genuine manner.
Transparency and Accountability	<i>Transparency and Accountability</i> – All information, proceedings, decisions, mistakes should be kept transparent and those who do not fulfil their responsibilities should be held accountable.
Intra and Intergenerational Equity	Similarly to distributional justice, this principle can be addressed through <i>Wealth Redistribution, Ownership Shift, and Capacity Building</i> , and well as <i>Access</i> – Access helps ensure intragenerational equity to energy sector benefits, wealth redistribution helps to modify when there is an imbalance in the costs and benefits, capacity building supports both inter and intragenerational equity by upskilling and reskilling people, and ownership shift helps ensure future benefits for those previously marginalised.
Responsibility	<i>Good Governance, Ownership Shift and Organise and Mobilise</i> – there are many different aspects to responsibility in the energy sector, however, good governance can protect both people and planet, ownership shift puts the responsibility of

land or utilities into the hands of communities who will care for it as it is their livelihood, and organise and mobilise also recognises a level of responsibility that belongs to civil society to demand equity and change, and the power they hold alongside that responsibility.

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What Table 5 shows is the interconnectedness, but also the intricacy and complexity of issues when it comes to achieving energy justice. From both the existing theory and from the interviews for this study, similar themes emerge, and overlap occurs. This overlap also points to the importance for the just energy transition to be guided by the solutions from the interviews, not just for restorative outcomes, but for positive and equitable outcomes throughout and within all stages of decision-making for the energy transition. If these recommendations to achieve restorative justice are carried through each and every step of the energy transition, then restorative justice may be able to act as a proactive policy approach in supporting the realisation of the other tenets of justice as well as restoring past harms and mitigating current and future harms, which, according to Hazrati and Heffron (2021), it has the capacity to do.

### 5.2.2 Lessons Learned From the TRC

Another addition, however, should be made to where and how policy interventions can help facilitate a restorative just energy transition in South Africa, and that is the addition of the lessons learned from the Truth and Reconciliation Commission (TRC) proceedings. While the positive lessons (such as giving a voice to the marginalised, acknowledging the wrongs that have been committed, and holding perpetrators accountable) suggest the potential for excellent outcomes for restorative justice in the energy transition, there is, unsurprisingly, room for improvement if South Africa can learn from the failings of the TRC. Maepa (2005) suggested two areas for improvement when it comes to future transitions guided by restorative justice:

1. Restorative justice requires reparations: there can never be reconciliation without sincere apology and reparations, preferably made by the perpetrator to the victims.
2. Restorative justice requires space and time for sharing and healing: individuals must be heard and acknowledged, reparations must be paid, but then it must be understood that this does not necessarily mean that all is forgiven and forgotten. There still may need to be space and time allotted for grieving and healing.

### **5.3 What Does the South African Government Need to be Focusing on or improving on to Effectively Lead South Africa Through the Just Energy Transition?**

At the end of each interview, and to answer the third research question, each participant was asked to provide one piece of advice to the government for how to proceed with the just energy transition. There were ultimately ten distinct pieces of advice. They are as follows:

- 1) Get your house in order. The South African government is at odds with each other with Gwede Mantashe, the Minister of Mineral Resources and Energy, ardently in support of continued coal use and completely out of step with President Cyril Ramaphosa's insistence on the need to transition to renewables (Participant 5). With an energy minister undermining the President, and complete policy incoherence, nobody will know whose word to take or which leader to trust (Participant 5).
- 2) Ignore the political pushback. The government knows what they should do and so they need to begin, despite the political pushback from corrupt politicians (Participant 6).
- 3) Make clear what you want to achieve. The government needs to make clear what they mean by the terms - justice, access, inclusion, diversity, equity, etc - so that everyone can be on the same page by what is meant by a just energy transition and what this just energy transition is aiming to achieve (Participant 10).
- 4) Inspire a vision. The government needs to work to build trust and inspire a single, unifying vision for the whole country that the people can be enthusiastic about working toward (Participant 6).
- 5) More widespread engagement. The government needs to continue this engagement they have started but involve more people and more groups (Participant 12). To have more widespread engagement, they need to engage with people across the entire country, instead of focusing on fewer areas and therefore elevating only specific voices over other (Participant 17). All those that are going to be affected should be included and receive the opportunity to be heard (Participant 10).
- 6) Have humility. "Public participation is not just for people outside of government, it's for government as well. It's about a cross-pollination of learning and resource sharing" (Participant 13).



- 7) Begin experimenting. The government should focus on practical, short-term solutions to implement and experiment with, to identify the best possible solutions for the long-term (Participant 16).
- 8) Make haste. The government can't expect everything to be perfectly worked out in such a complex situation, but just needs to make a start (Participant 11). "Risks of delays are so enormous" (Participant 7).
- 9) Don't rush. In stark opposition to the previous piece of advice, the government should take their time to consider all the data before making well-informed decisions that will deliver something of a higher quality to something more rushed (Participant 9).
- 10) Empower the People. The government should recognise that their most valuable asset is their people. Through capacity building and skills development, South Africans will be more accepting, more empowered to take the transition into their own hands, and the transition will gain traction faster when the benefits of the transition start to be seen in their own communities and by the work of their own hands (Participant 4).

## 5.4 The Outcome of the Study

As mentioned in section 3.7, an important issue raised by many researchers is the question of "who and what these interviews are for" (Abell and Myers, 2008; pp. 158). While the first goal of this study was to produce a mandatory master's thesis, the second goal of this study was to produce a work of compiled evidence and knowledge that can be used to guide decision-makers. South Africa has already experienced a major transition guided by the principles of restorative justice in the TRC, which gave victims a voice, championed accountability, and arguably led to (some) better outcomes than retributive justice might have. However, the TRC process also showed how restorative justice requires sincere apology for wrongdoing, as well as reparations reflective of the magnitude of the crimes, and that true restorative justice and moving on from deep injustices takes time.

As with the TRC, there are great opportunities for restorative justice through the South African just energy transition, but also great challenges. The solutions for how to achieve opportunities and overcome challenges in section 5.2, the lessons learned from the TRC in section 5.2.3, as well as the advice to the government in section 5.3 can be used to achieve the second goal of the study: to produce a work of compiled evidence and knowledge that can be used to guide decision-makers into making the just energy transition a restorative transition. The following

section therefore contains a concise compilation of policy recommendations which can help facilitate a restorative just energy transition in South Africa.

## 5.5 Policy Recommendations

Figure 6 is the outcome of all the compiled evidence and knowledge from this study that can be used to guide decision-makers into making the just energy transition a restorative and transformative transition.

*Figure 6 Restorative Justice as a Proactive Policy Approach to the Just Energy Transition*

Good Governance	• Establish a strong, unified leadership to drive the just energy transition
Capacity Building	• Invest in and empower the South African people
Participation	• Actively engage with stakeholders in the knowledge that no one holds all the answers
Accessibility	• Provide accessible and neutral engagement spaces
Access to Information	• Provide access to all of the information available
Transparency	• Clearly describe terms being used and plans being made
Ownership Shift	• Co-produce designs and co-manage and own new systems
Accepting Dissent	• Take responsibility and make decisions, despite pushback
Experimentation	• Implement practical, small-scale experiments to learn and grow from
Wealth Redistribution	• Implement a wealth tax for big energy corporations
Accountability	• Hold beneficiaries accountable for the harms committed
Reparations	• True restorative justice requires that the perpetrator pays reparations to the victim
Weeding out Corruption	• Hold the government and other corrupt entities accountable
Organise and Mobilise	• Inspire a unified civil society movement that can mobilise people for transformation
Urgent, yet informed	• Act with both urgency and also with care
Time for Healing	• Make space and time for grieving and healing

## Chapter 6 - Conclusion

This study explores the opportunities and challenges for restorative justice in the South African just energy transition to identify how energy transition policies and the policy-making process might be improved to achieve the opportunities for and overcome the challenges to restorative justice in the energy transition in South Africa. 17 interviews with academics, experts, professionals, and advocates were conducted to determine what the participants understood by ‘just energy transition’, what they understood by ‘restorative justice’, what they perceived to be the greatest opportunities and challenges for restorative justice, and what needed to be done to achieve the opportunities and overcome the challenges. They were also asked to provide one piece of advice to the South African government on what the government needs to be doing to achieve a just energy transition with restorative outcomes. These solutions for how to achieve opportunities and overcome challenges, along with the advice to the government, as well as lessons learned from the Truth and Reconciliation Commission (the TRC) were consolidated into concise and achievable policy recommendations which can be used by decision makers and policy makers to improve energy transition policies and the policy-making process and, ultimately, to facilitate a restorative and transformative just energy transition in South Africa. See Figure 6, section 5.5 for the full list of recommendations.

Briefly, these recommendations call for: (1) good governance that is both strong and unified enough to drive a just energy transition; (2) recognising the worth of the South African people and empowering and investing in them accordingly through capacity building; (3) prioritising active and meaningful participation to continuously learn from one another; (4) ensuring that these engagement spaces are accessible and neutral; (5) providing access to information to the people of South Africa, particularly those attempting to actively participate; (6) having a transparent approach that values shared understandings of plans and definitions of the terms being used; (7) designing plans and managing systems with and by communities, leading to a sense of ownership; (8) accepting differences of opinion when necessary, making decisions anyway, and being prepared to take responsibility for those decisions; (9) starting with practical, smaller-scale experiments that can be learned from; (10) implementing a wealth tax for large energy corporations that will assist in wealth redistribution; (11) ensuring accountability for the beneficiaries of the harms and damages that have been caused; (12) ensuring reparations are made between those beneficiaries (or perpetrators) and the victims of

the harms and damages; (13) holding the government and other corrupt entities accountable; (14) inspiring a unified civil society movement that can organise and mobilise citizens for transformation; (15) acting with a sense of urgency but not reckless abandon; and (16) making space and time for healing and grieving, regardless of grievances being acknowledged and reparations being paid.

These recommendations, while perhaps not individually monumental, together represent the collective imaginings of how to guide an energy transition from a diverse group of individuals who have made, are making, and are still to make monumental contributions to South Africa and the South African people. Despite the simplicity of the recommendations, they have also historically not often been achieved. This is likely due to the many challenges uncovered in this research that need to be overcome to achieve the opportunities for restorative justice. Additionally, as was discussed in the discussion, the implementation of these solutions and recommendations is not just for restorative outcomes, but for positive and equitable outcomes throughout and within all stages of decision-making for the energy transition, including those impacting the other tenets of energy justice: distributional, procedural, and recognition justice.

It is likely that for the just energy transition in South Africa to be just and to be restorative and transformative, every one of the 16 recommendations made in this study from the combined knowledges of the 17 participants needs to be implemented. If these recommendations are carried through each and every step of the energy transition, then restorative justice may be able to act as a proactive policy approach in supporting the realisation of the other tenets of justice as well as restoring past harms and mitigating current and future harms. How to get this right remains a topic for extensive experimentation and further research, however, if the past has taught us anything, real change comes from an organised and mobilised civil society – one that can demand to be heard, to demand accountability from the government, to demand reparations and redistribution - to demand the restorative justice that it has been promised.

## **6.1 Further Research**

Further research is needed on all fronts when it comes to restorative justice in issues of energy, and particularly for the South African energy transition. Of great import is research into the barriers affecting the implementation of recommendations, such as those included in this study, and how these barriers may be overcome so that these recommendations can be implemented most effectively. More research leads to more understanding, which leads to more confidence,

better decision-making, and a better chance at holding the government accountable to the words they use and the promises they make. Furthermore, continuous evaluation of the just energy transition and its restorative outcomes in the short and long-term is required to provide feedback for improvements. And while contributing to academia and to collective knowledge and understanding of a problem is important, there is a desperate need for more accessible research outputs that might be useful for those whose lives are most affected by the justices and injustices being explored in these studies.

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# Appendices

## Appendix A: Consent Form for Interviews

**Topic of the Study:** Exploring the opportunities and challenges for restorative justice in the South African just energy transition

Name and position:

1. The research objective has been explained and the participant has been given the opportunity to ask questions.

☐ YES      ☐ NO

2. The participant understands that their participation in this study is voluntary.

☐ YES      ☐ NO

3. The participant understands that they will remain anonymous in the final thesis.

☐ YES      ☐ NO

4. The participant agrees to the recording of this interview.

☐ YES      ☐ NO

5. The participant agrees to have quotations from the interview reported in the study.

☐ YES      ☐ NO

6. The participant gives their consent to participate in the study.

☐ YES      ☐ NO

Name:

Date:

Signature: